

EXHIBIT “N” (PART 1)

1
2 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

3 - - - - - X
EDWARD CARTER, FRANK FIORILLO,)
4 KEVIN LAMM, JOSEPH NOFI, and)
THOMAS SNYDER,)

5)
6 Plaintiffs,)
7 -against-)

Index No.
CV 07 1215

8 INCORPORATED VILLAGE OF OCEAN)
BEACH; MAYOR JOSEPH C.)
9 LOEFFLER, JR., individually)
and in his Official capacity;)
10 former mayor NATALIE K. ROGERS,)
individually and in her)
11 official capacity, OCEAN BEACH)
POLICE DEPARTMENT; ACTING)
12 DEPUTY POLICE CHIEF GEORGE B.)
HESSE, individually and in his)
13 official capacity; SUFFOLK)
COUNTY; SUFFOLK COUNTY POLICE)
14 DEPARTMENT OF CIVIL SERVICE;)
and ALLISON SANCHEZ,)
15 individually and in her)
official capacity,)

16)
Defendants.)

17 - - - - - X
18 DEPOSITION OF GEORGE HESSE
Uniondale, New York
19 June 3, 2009
20
21
22

23 Reported by:
Judi Johnson, RPR, CRR, CLR
24 Job No.: 23057
25

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926 RexCorp Plaza
Uniondale, New York

June 3, 2009
10:00 A.M.

Deposition of GEORGE HESSE, held at
the offices of RIVKIN RADLER, LLP, 926
RexCorp Plaza, Uniondale, New York, pursuant
to Notice, before Judi Johnson, a Registered
Professional Reporter, a Certified Realtime
Reporter, a Certified LiveNote Reporter and
Notary Public of the State of New York.

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GEORGE HESSE

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ALSO PRESENT:
STEVE SAN PIETRO - LEGAL VIDEO SPECIALIST
FRANK FIORILLO
KEVIN LAMM - AM SESSION ONLY
ED CARTER - AM SESSION ONLY
TOM SNYDER

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GEORGE HESSE
IT IS HEREBY STIPULATED AND AGREED by
and between the attorneys for the respective
parties herein, that filing and sealing and
the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form
of the question, shall be reserved to the
time of the trial.

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be sworn to
and signed before any officer authorized to
administer an oath, with the same force and
effect as if signed and sworn to before the
Court.

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<p style="text-align: right;">Page 6</p> <p>1 GEORGE HESSE</p> <p>2 GEORGE HESSE,</p> <p>3 Called as a witness herein, having</p> <p>4 first been duly sworn, was examined and</p> <p>5 testified as follows:</p> <p>6 BY THE REPORTER:</p> <p>7 Q Please state your name and address for</p> <p>8 the record.</p> <p>9 A George Hesse, 623 Bay Walk, P.O. Box</p> <p>10 425, Ocean Beach, New York 11770.</p> <p>11 THE VIDEOGRAPHER: This is the start 10:04:10AM</p> <p>12 of the tape labeled Number 1 of the</p> <p>13 videotaped deposition of George Hesse in the</p> <p>14 matter of Carter Fiorello, et al versus the</p> <p>15 Incorporated Village of Ocean Beach. This</p> <p>16 deposition is taking place at 926 RexCorp</p> <p>17 Plaza, Uniondale, New York on Wednesday,</p> <p>18 June the 3rd, 2009 at approximately</p> <p>19 10:04 a.m.</p> <p>20 My name is Steve San Pietro from TSG, 10:04:37AM</p> <p>21 and I am the legal video specialist. The</p> <p>22 court reporter today is Judi Johnson in</p> <p>23 association with TSG Reporting.</p> <p>24 Will counsel please introduce 10:04:47AM</p> <p>25 yourselves for the record.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 7</p> <p>1 GEORGE HESSE</p> <p>2 MR. GOODSTADT: Andrew Goodstadt, 10:04:50AM</p> <p>3 Thompson Wigdor & Gilly, on behalf of the</p> <p>4 plaintiffs. And with me is Ariel Graff,</p> <p>5 G-R-A-F-F, from my office.</p> <p>6 MR. CONNOLLY: Kevin W. Connolly of 10:05:05AM</p> <p>7 Marks, O'Neil, O'Brien & Courtney, counsel</p> <p>8 for the defendant Hesse.</p> <p>9 MR. NOVIKOFF: Ken Novikoff, Rivkin 10:05:12AM</p> <p>10 Radler, on behalf of all the village</p> <p>11 defendants and Mayor Rogers, Mayor Loeffler</p> <p>12 in their official and individual capacities.</p> <p>13 With me is Michael Welch from my office.</p> <p>14 MR. CALLAHAN: Brian Callahan from the 10:05:23AM</p> <p>15 office of Christine Malafi for the County of</p> <p>16 Suffolk, Suffolk County PD and Allison</p> <p>17 Sanchez.</p> <p>18 EXAMINATION 10:05:30AM</p> <p>19 BY MR. GOODSTADT: 10:05:36AM</p> <p>20 Q Good morning, Mr. Hesse. 10:05:41AM</p> <p>21 A Good morning. 10:05:42AM</p> <p>22 Q My name is Andrew Goodstadt Thompson. 10:05:43AM</p> <p>23 I'm an attorney at the law firm of Thompson,</p> <p>24 Wigdor & Gilly, and my firm represents the</p> <p>25 plaintiffs in this matter, Frank Fiorillo, Ed</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 8</p> <p>1 GEORGE HESSE</p> <p>2 Carter, Kevin Lamm, Tom Snyder and Joe Nofi.</p> <p>3 And we're here today to ask you some questions</p> <p>4 about the allegations in the complaint.</p> <p>5 What is your current address? 10:06:00AM</p> <p>6 A My current address, my official 10:06:03AM</p> <p>7 address is 315 Bay Walk, P.O. Box 371 Ocean</p> <p>8 Beach, New York 11770.</p> <p>9 Q What do you mean by official address? 10:06:15AM</p> <p>10 A I also have a second residence of 10:06:17AM</p> <p>11 191 The Helm, East Islip, New York 11730.</p> <p>12 Q And which address do you live at? 10:06:26AM</p> <p>13 A I mostly live at 191 The Helm, and I 10:06:29AM</p> <p>14 do sleep at my apartment in Ocean Beach.</p> <p>15 Q How many days a year do you -- 10:06:37AM</p> <p>16 approximately, do you sleep at The Helm versus</p> <p>17 your Ocean Beach residence?</p> <p>18 A I'd say the majority of the year. 10:06:43AM</p> <p>19 Most of the summer, I stay in Ocean Beach.</p> <p>20 Q And when did you start living at Ocean 10:06:53AM</p> <p>21 Beach during the summers?</p> <p>22 A About, I'd say, three years ago I 10:06:57AM</p> <p>23 started staying weekends at the beach.</p> <p>24 Q Who else lives with you at that 10:07:08AM</p> <p>25 address at the beach?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 9</p> <p>1 GEORGE HESSE</p> <p>2 A It's a shared address. It's the Ocean 10:07:11AM</p> <p>3 Beach police barracks, and I have a room within</p> <p>4 the barracks.</p> <p>5 Q Anyone else live there? 10:07:18AM</p> <p>6 A There are other police officers that 10:07:20AM</p> <p>7 do stay overnight there, but I wouldn't say they</p> <p>8 live there.</p> <p>9 Q Would you say that you live there? 10:07:26AM</p> <p>10 A No, but it's one of my official 10:07:28AM</p> <p>11 addresses.</p> <p>12 Q Why do use that as an official address 10:07:32AM</p> <p>13 if you don't live there?</p> <p>14 MR. NOVIKOFF: Objection. 10:07:36AM</p> <p>15 MR. CONNOLLY: Objection. 10:07:37AM</p> <p>16 MR. NOVIKOFF: Argumentative. 10:07:39AM</p> <p>17 A It's on my driver's license. That's 10:07:40AM</p> <p>18 where I vote. That's where I'm registered to</p> <p>19 vote. That's my legal address.</p> <p>20 Q Do you pay taxes out of there? 10:07:45AM</p> <p>21 A No. 10:07:47AM</p> <p>22 MR. NOVIKOFF: Objection. Vague. 10:07:48AM</p> <p>23 BY MR. GOODSTADT: 10:07:49AM</p> <p>24 Q What address do you pay taxes from? 10:07:51AM</p> <p>25 MR. NOVIKOFF: Objection. 10:07:54AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 10</p> <p>1 GEORGE HESSE</p> <p>2 A I don't. 10:07:54AM</p> <p>3 Q You don't pay taxes? 10:07:54AM</p> <p>4 A Of course I pay taxes. 10:07:57AM</p> <p>5 MR. CONNOLLY: Andrew, what do you -- 10:08:00AM</p> <p>6 BY MR. GOODSTADT: 10:08:02AM</p> <p>7 Q What address do you list on your tax 10:08:02AM</p> <p>8 returns?</p> <p>9 MR. NOVIKOFF: Oh, okay. 10:08:05AM</p> <p>10 A In Ocean Beach. 10:08:07AM</p> <p>11 Q And who lives at the 191 The Helm 10:08:13AM</p> <p>12 address?</p> <p>13 A My wife, my two children, my father 10:08:16AM</p> <p>14 and his girlfriend.</p> <p>15 Q What's your wife's name? 10:08:25AM</p> <p>16 A Shannon. 10:08:26AM</p> <p>17 Q What are your children's ages? 10:08:28AM</p> <p>18 A My daughter Lauren is 12. Megan is 10:08:30AM</p> <p>19 eight.</p> <p>20 Q And your father's name is? 10:08:37AM</p> <p>21 A Dan. 10:08:39AM</p> <p>22 Q Same last name? 10:08:40AM</p> <p>23 A Yes. 10:08:42AM</p> <p>24 Q And his girlfriend's name? 10:08:42AM</p> <p>25 A Denise. 10:08:44AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 11</p> <p>1 GEORGE HESSE</p> <p>2 Q Who owns that address? 10:08:48AM</p> <p>3 A My father. 10:08:50AM</p> <p>4 Q And what's Denise's last name? 10:09:01AM</p> <p>5 A Czarnecki, C-Z-A-R-N-E-K-I. Close 10:09:04AM</p> <p>6 enough.</p> <p>7 Q How long has she lived there? 10:09:10AM</p> <p>8 A 14 years. 10:09:12AM</p> <p>9 Q Did you use the Ocean Beach address 10:09:20AM</p> <p>10 prior to three seasons ago when you started</p> <p>11 staying overnight there?</p> <p>12 A Yes. 10:09:27AM</p> <p>13 MR. NOVIKOFF: Can we just have for 10:09:28AM</p> <p>14 the record what season are you referring to,</p> <p>15 2006, 2007, 2005?</p> <p>16 BY MR. GOODSTADT: 10:09:36AM</p> <p>17 Q Well, what season did you start 10:09:36AM</p> <p>18 staying there?</p> <p>19 A 2006, I started staying there on a 10:09:40AM</p> <p>20 regular basis on the weekends.</p> <p>21 MR. NOVIKOFF: Do you want to define 10:09:46AM</p> <p>22 the season, Andrew? It's been defined</p> <p>23 before by other witnesses.</p> <p>24 BY MR. GOODSTADT: 10:09:50AM</p> <p>25 Q When you use the word "season," why 10:09:51AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 12</p> <p>1 GEORGE HESSE</p> <p>2 don't you tell us what you mean so we're both of</p> <p>3 the same page.</p> <p>4 A The summer season of 2006 would start, 10:09:55AM</p> <p>5 say, May and end in September.</p> <p>6 Q Is that somewhere before Memorial Day 10:10:05AM</p> <p>7 to somewhere just after Labor Day?</p> <p>8 A Yeah. Two weeks before Memorial Day 10:10:10AM</p> <p>9 to two weeks after Labor Day is an official</p> <p>10 season, but I usually started staying around</p> <p>11 Memorial Day right to Labor Day.</p> <p>12 Q And prior to 2006, were you using that 10:10:19AM</p> <p>13 Ocean Beach address as your official address?</p> <p>14 A Yes. 10:10:24AM</p> <p>15 Q How come? 10:10:24AM</p> <p>16 A Well, I actually did live there back 10:10:26AM</p> <p>17 in 2005 for about a year and a half, but not</p> <p>18 directly at that address of 315 Bay Walk.</p> <p>19 Q What address did you live in? 10:10:38AM</p> <p>20 A The physical address was 146 Bungalow 10:10:40AM</p> <p>21 Walk, and that's in Ocean Beach.</p> <p>22 Q Was that -- 10:10:48AM</p> <p>23 A It's a house. 10:10:49AM</p> <p>24 Q Who owns that house? 10:10:50AM</p> <p>25 A Right now, someone named Joe 10:10:53AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 13</p> <p>1 GEORGE HESSE</p> <p>2 Housworth.</p> <p>3 Q Who owned it when you lived there in 10:10:56AM</p> <p>4 '05?</p> <p>5 A Oh, God. Last name was Reusch. I 10:11:00AM</p> <p>6 think it was R-E-U-S-C-H.</p> <p>7 Q Did you rent it from Reusch? 10:11:08AM</p> <p>8 A Yes. 10:11:10AM</p> <p>9 Q Did you pay for that or did the beach 10:11:10AM</p> <p>10 pay for it?</p> <p>11 A I paid for it. 10:11:14AM</p> <p>12 Q Who did you live with in '05 for a 10:11:14AM</p> <p>13 year and a half there?</p> <p>14 A I lived with my wife; and then for a 10:11:18AM</p> <p>15 short time, when my daughter was born, she lived</p> <p>16 there with us.</p> <p>17 Q And prior to '05, had you ever used 10:11:27AM</p> <p>18 the Ocean Beach address as your address or any</p> <p>19 Ocean Beach address as your address?</p> <p>20 MR. NOVIKOFF: Objection to form. 10:11:37AM</p> <p>21 A I don't know -- I'm thinking in 2004, 10:11:38AM</p> <p>22 I may have established the address of 315 Bay</p> <p>23 Walk.</p> <p>24 Q How about prior to 2004, did you ever 10:11:53AM</p> <p>25 use an Ocean Beach address as your address?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 14</p> <p>1 GEORGE HESSE</p> <p>2 MR. NOVIKOFF: Objection to form. 10:11:57AM</p> <p>3 A No. 10:11:58AM</p> <p>4 Q So prior to 2004, you never lived at 10:12:02AM</p> <p>5 Ocean Beach?</p> <p>6 MR. NOVIKOFF: Same objection. 10:12:06AM</p> <p>7 A In -- I'm sorry, did I say 2004? I 10:12:07AM</p> <p>8 meant '94, 1994. My first summer in Ocean Beach</p> <p>9 was in '93, and I actually lived in the barracks</p> <p>10 five days a week for my first season in Ocean</p> <p>11 Beach.</p> <p>12 Q Were you a full-time officer or 10:12:30AM</p> <p>13 part-time officer?</p> <p>14 A I was part-time or seasonal at that 10:12:32AM</p> <p>15 time.</p> <p>16 Q And you lived in the barracks five 10:12:37AM</p> <p>17 days a week?</p> <p>18 A Five days a week, correct. 10:12:39AM</p> <p>19 Q Did you pay any rent? 10:12:40AM</p> <p>20 A No. 10:12:42AM</p> <p>21 Q So why did you live there? 10:12:44AM</p> <p>22 MR. NOVIKOFF: I'm going to object. 10:12:48AM</p> <p>23 BY MR. GOODSTADT: 10:12:49AM</p> <p>24 Q Why did you live at Ocean Beach during 10:12:49AM</p> <p>25 five days a week?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 15</p> <p>1 GEORGE HESSE</p> <p>2 A I don't know. I was 23 years old and 10:12:53AM</p> <p>3 I just took this job in Ocean Beach, and they</p> <p>4 offered us -- not just me, but several police</p> <p>5 officers the opportunity to stay there. I was</p> <p>6 working late-night shifts; and to get a good</p> <p>7 night's sleep, instead of going all the way home</p> <p>8 and back, I stayed in the barracks.</p> <p>9 Q So just start. So '94, you 10:13:12AM</p> <p>10 established that as an official address?</p> <p>11 A That's correct, yes. 10:13:16AM</p> <p>12 Q What was the next official address 10:13:17AM</p> <p>13 that you used after '94?</p> <p>14 MR. NOVIKOFF: Objection to form. 10:13:21AM</p> <p>15 A I guess when I moved to 191 The Helm. 10:13:24AM</p> <p>16 Q When was that? 10:13:27AM</p> <p>17 A You gotta figure -- let's see. I 10:13:30AM</p> <p>18 think it was at the end of '97.</p> <p>19 Q And how long did you live at 191 The 10:13:45AM</p> <p>20 Helm?</p> <p>21 A From '97 to present. 10:13:48AM</p> <p>22 Q Did you ever use 191 The Helm as your 10:13:53AM</p> <p>23 official address?</p> <p>24 MR. NOVIKOFF: Objection. 10:13:58AM</p> <p>25 A No. 10:13:58AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 16</p> <p>1 GEORGE HESSE</p> <p>2 Q So it was always Ocean Beach? 10:13:58AM</p> <p>3 A Correct. 10:14:01AM</p> <p>4 Q So how about from '97 until 2005, did 10:14:02AM</p> <p>5 you live in Ocean Beach at any time during that</p> <p>6 period at all?</p> <p>7 MR. NOVIKOFF: Objection to form. 10:14:08AM</p> <p>8 A I would stay in Ocean Beach on 10:14:09AM</p> <p>9 occasion.</p> <p>10 Q What do you mean by on occasion? 10:14:12AM</p> <p>11 A Well, back in the day, between -- I 10:14:13AM</p> <p>12 got hired full-time in '95. So '95 through</p> <p>13 maybe 2000, we worked some really whacked-out</p> <p>14 tours, in the winter especially. We did two</p> <p>15 days on with four days off, and I would stay</p> <p>16 there my entire 48 hours. And we were allowed</p> <p>17 to sleep, eat and stay in our apartments, the</p> <p>18 barracks, during my tour after my patrol</p> <p>19 function was done.</p> <p>20 Q So how many days a week were you 10:14:49AM</p> <p>21 living there between '97, when you moved out,</p> <p>22 and 2005, when you said you lived there for a</p> <p>23 year and a half?</p> <p>24 A You gotta figure it was 48-hour 10:14:57AM</p> <p>25 shifts. It was two days straight, four days</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 17</p> <p>1 GEORGE HESSE</p> <p>2 off. Sometimes I would stay an extra day;</p> <p>3 sometimes I would go to 191 The Helm.</p> <p>4 Q And why were you using the Ocean Beach 10:15:11AM</p> <p>5 address as your official address during that</p> <p>6 period even though you were only staying there</p> <p>7 two days a week?</p> <p>8 MR. NOVIKOFF: Objection to form. 10:15:19AM</p> <p>9 MR. CONNOLLY: Which period, again, 10:15:21AM</p> <p>10 are we speaking of?</p> <p>11 MR. GOODSTADT: That period between 10:15:25AM</p> <p>12 '97, when he moved to 191 The Helm, and</p> <p>13 2005, when he moved to 146 Bungalow Walk.</p> <p>14 A Will you repeat the question, please. 10:15:34AM</p> <p>15 Q Why did you use the Ocean Beach 10:15:36AM</p> <p>16 address as your official address during that</p> <p>17 period, when you were only staying there two</p> <p>18 days a week?</p> <p>19 MR. NOVIKOFF: Objection to form. 10:15:44AM</p> <p>20 A I always kept it because I always 10:15:45AM</p> <p>21 thought I would officially move to Ocean Beach</p> <p>22 on a permanent basis.</p> <p>23 Q So it was in anticipation of moving to 10:15:51AM</p> <p>24 Ocean Beach?</p> <p>25 A Correct. 10:15:54AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 18</p> <p>1 GEORGE HESSE</p> <p>2 Q But you didn't actually live there on 10:15:54AM</p> <p>3 a permanent basis, correct?</p> <p>4 A For almost two years, I did. 10:15:59AM</p> <p>5 Q But not during the period between '97 10:16:01AM</p> <p>6 and '04, correct?</p> <p>7 A No. 10:16:05AM</p> <p>8 Q Was there a residency requirement to 10:16:05AM</p> <p>9 be a full-time officer in Ocean Beach?</p> <p>10 A Yes. 10:16:09AM</p> <p>11 Q Is that why you use Ocean Beach as the 10:16:10AM</p> <p>12 address?</p> <p>13 A At the time when I got hired, yes. 10:16:11AM</p> <p>14 Q And when did you become a full-time 10:16:14AM</p> <p>15 officer?</p> <p>16 A '95. I believe it was November of 10:16:17AM</p> <p>17 '95.</p> <p>18 Q So the period between '97 and '05 that 10:16:22AM</p> <p>19 you didn't live there, you used the Ocean Beach</p> <p>20 address because of the residency requirement?</p> <p>21 A No. 10:16:31AM</p> <p>22 Q You used it because you anticipated 10:16:32AM</p> <p>23 that you'd eventually live there?</p> <p>24 A Correct. 10:16:35AM</p> <p>25 Q Even though you weren't at the time, 10:16:36AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 19</p> <p>1 GEORGE HESSE</p> <p>2 for all those years?</p> <p>3 A Yes. 10:16:40AM</p> <p>4 Q I just want to go over some ground 10:16:48AM</p> <p>5 rules before we get started.</p> <p>6 MR. NOVIKOFF: I thought we just got 10:16:52AM</p> <p>7 started.</p> <p>8 MR. CONNOLLY: Continue. 10:16:56AM</p> <p>9 MR. GOODSTADT: Was that an objection 10:16:57AM</p> <p>10 or just an obnoxious comment?</p> <p>11 MR. NOVIKOFF: It was a comment. You 10:17:01AM</p> <p>12 said you were going to go over the ground</p> <p>13 rules before we got started, but we've just</p> <p>14 now spent 15 minutes on a residency issue.</p> <p>15 MR. GOODSTADT: Now we're wasting time 10:17:08AM</p> <p>16 on your inappropriate comments.</p> <p>17 MR. NOVIKOFF: If you'd like to 10:17:12AM</p> <p>18 continue the conversation, I'd be happy to.</p> <p>19 BY MR. GOODSTADT: 10:17:16AM</p> <p>20 Q Do you understand that you're 10:17:16AM</p> <p>21 testifying under oath today?</p> <p>22 A Yes. 10:17:19AM</p> <p>23 Q And that you're legally obligated to 10:17:19AM</p> <p>24 tell the truth?</p> <p>25 A Yes. 10:17:22AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 20</p> <p>1 GEORGE HESSE</p> <p>2 Q And failure to do so is potentially 10:17:22AM</p> <p>3 punishable as a criminal sanction?</p> <p>4 A Yes. 10:17:24AM</p> <p>5 Q Have you ever testified under oath 10:17:25AM</p> <p>6 before --</p> <p>7 A Yes. 10:17:27AM</p> <p>8 Q Let me finish the question. 10:17:29AM</p> <p>9 Have you ever testified under oath 10:17:30AM</p> <p>10 before outside of your capacity as an arresting</p> <p>11 officer?</p> <p>12 A No. 10:17:38AM</p> <p>13 Q So you never testified in a civil 10:17:39AM</p> <p>14 action?</p> <p>15 A Yes. 10:17:42AM</p> <p>16 Q So since this is the first time you're 10:17:47AM</p> <p>17 testifying under oath in a civil action, I just</p> <p>18 want to make sure that --</p> <p>19 MR. NOVIKOFF: Objection. He 10:17:54AM</p> <p>20 testified, I believe, that he testified in a</p> <p>21 civil action.</p> <p>22 MR. GOODSTADT: I said he's never 10:18:00AM</p> <p>23 testified in a civil action, and he said</p> <p>24 yes.</p> <p>25</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 21</p> <p>1 GEORGE HESSE</p> <p>2 BY MR. GOODSTADT: 10:18:05AM</p> <p>3 Q Have you ever testified in a civil 10:18:06AM</p> <p>4 action?</p> <p>5 A Yes. 10:18:07AM</p> <p>6 Q How many times? 10:18:08AM</p> <p>7 A Four, maybe five. 10:18:17AM</p> <p>8 Q So why don't we start from today, not 10:18:22AM</p> <p>9 including today, going in reverse chronological</p> <p>10 order. When was the most recent time you</p> <p>11 testified under oath in a civil action?</p> <p>12 A The last time may have been around 10:18:38AM</p> <p>13 1999.</p> <p>14 Q And were you a party to that civil 10:18:44AM</p> <p>15 action?</p> <p>16 A You know, I don't remember if I was 10:18:49AM</p> <p>17 particularly sued, but there was a police</p> <p>18 officer within the department that was sued.</p> <p>19 Q And what was that matter -- strike 10:18:56AM</p> <p>20 that.</p> <p>21 Who was the plaintiff in that matter? 10:19:01AM</p> <p>22 A Christopher Cuneen, C-U-N-E-E-N. 10:19:03AM</p> <p>23 Q And who were the defendants? 10:19:10AM</p> <p>24 A I don't remember if I was a named 10:19:12AM</p> <p>25 defendant, but Sergeant Bob Golopi and of course</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 22</p> <p>1 GEORGE HESSE</p> <p>2 the Ocean Beach Police Department and the</p> <p>3 Village of Ocean Beach.</p> <p>4 Q And what was Mr. Cuneen alleging in 10:19:21AM</p> <p>5 his lawsuit?</p> <p>6 A That he was brutally beaten up, false 10:19:27AM</p> <p>7 arrest, violation of civil rights.</p> <p>8 Q Who did he allege beat him up? 10:19:35AM</p> <p>9 A He may have alleged myself and 10:19:39AM</p> <p>10 Sergeant Golopi.</p> <p>11 Q And you testified under oath in a 10:19:53AM</p> <p>12 deposition or in some other form?</p> <p>13 A In a deposition. 10:19:57AM</p> <p>14 Q Who represented you in that matter? 10:19:59AM</p> <p>15 A I don't recall. 10:20:01AM</p> <p>16 Q Did you testify at a trial in that 10:20:04AM</p> <p>17 matter?</p> <p>18 A No. 10:20:06AM</p> <p>19 Q Did that matter get to a trial? 10:20:07AM</p> <p>20 A No. 10:20:09AM</p> <p>21 Q Do you know how that case was 10:20:09AM</p> <p>22 resolved?</p> <p>23 A I believe there was a settlement. 10:20:11AM</p> <p>24 Q Do you know what the settlement was 10:20:14AM</p> <p>25 for?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 23</p> <p>1 GEORGE HESSE</p> <p>2 MR. NOVIKOFF: Objection only to the 10:20:16AM</p> <p>3 extent if you are aware if there was a</p> <p>4 confidentiality agreement. If you have no</p> <p>5 knowledge one way or of the other, then</p> <p>6 answer the question.</p> <p>7 MR. GOODSTADT: Don't you know a 10:20:26AM</p> <p>8 confidentiality agreement doesn't trump his</p> <p>9 obligation to testify under oath?</p> <p>10 MR. NOVIKOFF: I don't know what the 10:20:30AM</p> <p>11 confidentiality agreement says. I'm not</p> <p>12 going to take your representation of what</p> <p>13 the law is.</p> <p>14 MR. GOODSTADT: Well, that is the law. 10:20:37AM</p> <p>15 MR. NOVIKOFF: I'm asking the witness, 10:20:39AM</p> <p>16 since I represent the village, that if he's</p> <p>17 aware of whether or not there's a</p> <p>18 confidentiality agreement, he should say so.</p> <p>19 If he's not, he can answer the question.</p> <p>20 MR. CONNOLLY: You can answer the 10:20:48AM</p> <p>21 question.</p> <p>22 A I'm not aware. 10:20:50AM</p> <p>23 Q You're not aware of what it settled 10:20:51AM</p> <p>24 for?</p> <p>25 A I'm not aware, no. 10:20:54AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 24</p> <p>1 GEORGE HESSE</p> <p>2 MR. GOODSTADT: Ken, if you could just 10:21:28AM</p> <p>3 put your microphone back on so all this</p> <p>4 stuff is on the record.</p> <p>5 MR. NOVIKOFF: I think it is on the 10:21:31AM</p> <p>6 record. The stenographer and I believe the</p> <p>7 videographer nodded with approval when I</p> <p>8 took the mic off, indicating, at least to</p> <p>9 me, that he could hear me.</p> <p>10 MR. GOODSTADT: Is it picking up? 10:21:41AM</p> <p>11 Yeah, because I think we had one deposition</p> <p>12 where it didn't.</p> <p>13 BY MR. GOODSTADT: 10:21:47AM</p> <p>14 Q Now, prior to the 1999 case with 10:21:47AM</p> <p>15 Mr. Cuneen, when was the time before that that</p> <p>16 you testified under oath in a civil matter?</p> <p>17 A I believe the one prior to that -- 10:21:56AM</p> <p>18 actually, you know what, I'm mistaken. There</p> <p>19 might have been one just prior to that -- before</p> <p>20 that one, working our way back. Bruce Mancada.</p> <p>21 Q Do you know how to spell Mancada? 10:22:11AM</p> <p>22 A It's M-A-N-C-A-D-A. 10:22:14AM</p> <p>23 Q And Mr. Mancada was a plaintiff in the 10:22:22AM</p> <p>24 matter that you testified in?</p> <p>25 A Yes. 10:22:25AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 25</p> <p>1 GEORGE HESSE</p> <p>2 Q Were you a defendant in that case? 10:22:26AM</p> <p>3 A Yes. 10:22:27AM</p> <p>4 Q Where was that case filed, do you 10:22:27AM</p> <p>5 know?</p> <p>6 A I believe in Suffolk County. 10:22:29AM</p> <p>7 Q Where was the Cuneen case filed, do 10:22:34AM</p> <p>8 you know?</p> <p>9 A Also, I believe, Suffolk County. 10:22:37AM</p> <p>10 Q And who were the defendants in 10:22:43AM</p> <p>11 Mr. Mancada's case?</p> <p>12 A That would be me and a Billy Powell. 10:22:46AM</p> <p>13 Q And what were the allegations that 10:22:54AM</p> <p>14 Mr. Mancada made against you and Mr. Powell?</p> <p>15 A Excessive force, violation of civil 10:22:59AM</p> <p>16 rights.</p> <p>17 MR. NOVIKOFF: I'm sorry, Andrew. Did 10:23:10AM</p> <p>18 we establish this was before or after the</p> <p>19 first case that he talked about?</p> <p>20 MR. GOODSTADT: He believed it was 10:23:16AM</p> <p>21 closer to today --</p> <p>22 MR. NOVIKOFF: Okay. Got it. 10:23:19AM</p> <p>23 MR. GOODSTADT: -- than the Cuneen 10:23:20AM</p> <p>24 matter.</p> <p>25 MR. CONNOLLY: At or about 1999. 10:23:23AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

<p style="text-align: right;">Page 26</p> <p>1 GEORGE HESSE</p> <p>2 THE WITNESS: I believe it was 2000, 10:23:26AM</p> <p>3 2001. I'm not really sure.</p> <p>4 BY MR. GOODSTADT: 10:23:29AM</p> <p>5 Q And you testified under oath in a 10:23:30AM</p> <p>6 deposition or was it some other form in that</p> <p>7 matter?</p> <p>8 A A deposition. 10:23:35AM</p> <p>9 Q Did you testify at trial in that 10:23:35AM</p> <p>10 matter?</p> <p>11 A No. 10:23:37AM</p> <p>12 Q Was there a trial in that matter? 10:23:37AM</p> <p>13 A No. 10:23:39AM</p> <p>14 Q Do you know how that case was 10:23:39AM</p> <p>15 resolved?</p> <p>16 A No. 10:23:41AM</p> <p>17 Q You don't know if there was a 10:23:42AM</p> <p>18 settlement?</p> <p>19 A No. 10:23:44AM</p> <p>20 Q Who represented you in that matter? 10:23:45AM</p> <p>21 A I don't recall. 10:23:47AM</p> <p>22 Q In connection with the Cuneen matter, 10:23:52AM</p> <p>23 were there any criminal charges brought against</p> <p>24 you?</p> <p>25 A No. 10:23:57AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 27</p> <p>1 GEORGE HESSE</p> <p>2 Q Were there any criminal charges 10:23:57AM</p> <p>3 brought against Mr. Cuneen?</p> <p>4 A Yes. 10:24:01AM</p> <p>5 Q What were the charges brought against 10:24:02AM</p> <p>6 Mr. Cuneen?</p> <p>7 A I wouldn't say criminal -- it was -- 10:24:05AM</p> <p>8 actually, there were two incidents with</p> <p>9 Mr. Cuneen. One dealt with me, where he was</p> <p>10 trespassing on private property, and he was</p> <p>11 arrested for that. And then later he was</p> <p>12 rearrested for harassment, maybe. I don't know</p> <p>13 the particulars of the charges, but he was</p> <p>14 rearrested later, when I wasn't present.</p> <p>15 Q Do you know whether he was convicted 10:24:35AM</p> <p>16 on any of those arrests?</p> <p>17 A I don't know. 10:24:43AM</p> <p>18 Q And who arrested him for trespassing? 10:24:44AM</p> <p>19 A I was the arresting officer. 10:24:46AM</p> <p>20 Q And who was the arresting officer for 10:24:48AM</p> <p>21 the harassment or other crime?</p> <p>22 A Bob Golopi, Sergeant Bob Golopi. 10:24:54AM</p> <p>23 Q And Bob Golopi was one of the 10:24:59AM</p> <p>24 defendants in that matter?</p> <p>25 A Yes. 10:25:05AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 28</p> <p>1 GEORGE HESSE</p> <p>2 Q And he was alleged to have physically 10:25:05AM</p> <p>3 beaten Mr. Cuneen?</p> <p>4 A He was alleged, yes. 10:25:09AM</p> <p>5 Q And now the Mancada matter. Were 10:25:11AM</p> <p>6 there any criminal charges brought against you?</p> <p>7 A No. 10:25:17AM</p> <p>8 Q Were there any criminal charges 10:25:17AM</p> <p>9 brought against Mr. Mancada?</p> <p>10 A Yes. 10:25:21AM</p> <p>11 Q What were the charges brought against 10:25:22AM</p> <p>12 Mr. Mancada?</p> <p>13 A They were disorderly conduct and 10:25:25AM</p> <p>14 resisting arrest.</p> <p>15 Q After being arrested -- after being 10:25:37AM</p> <p>16 arrested for that, was he actually charged with</p> <p>17 those --</p> <p>18 A Yes. 10:25:42AM</p> <p>19 Q -- with two allegations? 10:25:43AM</p> <p>20 Was there a trial? 10:25:45AM</p> <p>21 A No. 10:25:46AM</p> <p>22 Q Did he plead? 10:25:48AM</p> <p>23 A I don't know. 10:25:49AM</p> <p>24 Q Who was the arresting officer of 10:25:50AM</p> <p>25 Mr. Mancada?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 29</p> <p>1 GEORGE HESSE</p> <p>2 A I was. 10:25:53AM</p> <p>3 Q What did Mr. Mancada allege you to 10:25:58AM</p> <p>4 have done?</p> <p>5 A I believe just an excessive use of 10:26:04AM</p> <p>6 force and violated his civil rights. I don't</p> <p>7 really recall the whole complaint.</p> <p>8 Q Do you recall anything that he alleged 10:26:12AM</p> <p>9 that you had done to him that he believed was</p> <p>10 excessive force?</p> <p>11 A No. 10:26:16AM</p> <p>12 Q So you don't know if he was convicted 10:26:22AM</p> <p>13 for anything --</p> <p>14 A I don't recall. 10:26:25AM</p> <p>15 Q -- in connection with that matter? 10:26:25AM</p> <p>16 How about -- and I think you testified 10:26:29AM</p> <p>17 that -- did you testify that Golopi was a</p> <p>18 sergeant at the time?</p> <p>19 A Yes, I did. 10:26:38AM</p> <p>20 MR. NOVIKOFF: Objection. Asked and 10:26:40AM</p> <p>21 answered.</p> <p>22 A Yes. 10:26:41AM</p> <p>23 Q He was? You reported to him at that 10:26:41AM</p> <p>24 time?</p> <p>25 A I reported to him? Yes. 10:26:46AM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 GEORGE HESSE
2 Q Then how about the time before the 10:26:51AM
3 Cuneen testimony, when did that happen?
4 MR. NOVIKOFF: Objection to form. 10:26:57AM
5 BY MR. GOODSTADT: 10:26:58AM
6 Q The time prior to the Cuneen matter, 10:26:58AM
7 when was the closest in time to that that you
8 testified under oath in a civil matter?
9 MR. NOVIKOFF: Objection to form. 10:27:08AM
10 MR. CONNOLLY: You can answer. 10:27:08AM
11 A I really don't understand the 10:27:10AM
12 question.
13 Q Right. We're going in reverse 10:27:12AM
14 chronological on your civil testimony, correct?
15 A Right. 10:27:15AM
16 Q So you have Mancada is the most 10:27:16AM
17 recent, other than for today.
18 A Okay. 10:27:20AM
19 Q Then Cuneen? 10:27:21AM
20 A Correct. 10:27:22AM
21 Q Okay. And now going in reverse 10:27:22AM
22 chronological order, when was the time before
23 that that you testified in a civil matter?
24 A I believe -- I don't know the exact 10:27:28AM
25 date. It could be in or around 95, '96.
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1 GEORGE HESSE
2 Q And who was the plaintiff in that 10:27:41AM
3 matter?
4 A Kenneth Ryan. 10:27:43AM
5 Q Were you a defendant in that matter? 10:27:48AM
6 A Yes. 10:27:50AM
7 Q Who were the other defendants? 10:27:51AM
8 A I might have been the only one. I'm 10:27:52AM
9 not sure. I don't recall.
10 Q What was the allegation that Mr. Ryan 10:27:57AM
11 made against you in that matter?
12 A Excessive force, violation of civil 10:28:01AM
13 rights.
14 Q Just so we're clear, the Cuneen 10:28:08AM
15 matter, Golopi was a defendant. Was the beach
16 also a defendant in that matter?
17 A Yes. 10:28:18AM
18 Q And the same thing with Mancada 10:28:19AM
19 matter. It was you, Powell. The beach also was
20 a defendant?
21 A Correct. 10:28:24AM
22 Q Were any other individuals that were 10:28:24AM
23 defendants in that matter?
24 A In which one? 10:28:27AM
25 Q Mancada. 10:28:28AM
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1 GEORGE HESSE
2 A Not that I recall. 10:28:29AM
3 Q How about in Cuneen? 10:28:30AM
4 A Not that I recall. 10:28:32AM
5 Q And Ryan, was the beach a defendant? 10:28:33AM
6 A Yes. 10:28:40AM
7 Q Who represented you in the Ryan 10:28:40AM
8 matter?
9 A I don't recall. 10:28:43AM
10 Q When you testified, was it at a 10:28:43AM
11 deposition or some other forum?
12 A Deposition. 10:28:49AM
13 Q And what were the allegations that 10:28:51AM
14 Mr. Ryan made that led him to claim that you
15 used excessive force and violated his civil
16 rights?
17 A Repeat that. 10:29:00AM
18 Q Yes. 10:29:01AM
19 What -- what conduct did Mr. Ryan 10:29:02AM
20 allege that you engaged in that amounted to
21 excessive force and a violation of his civil
22 rights?
23 MR. NOVIKOFF: Alleged in the 10:29:12AM
24 complaint?
25 MR. GOODSTADT: Correct. 10:29:14AM
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1 GEORGE HESSE
2 A I think he alleged that I hit him in 10:29:14AM
3 the face with a baton and that I falsely
4 arrested him.
5 Q Did that matter go to trial? 10:29:25AM
6 A No. 10:29:27AM
7 Q Do you know how that matter was 10:29:28AM
8 disposed of or resolved?
9 A No. 10:29:31AM
10 Q You don't know if there was a 10:29:32AM
11 settlement in that matter?
12 A I don't know. 10:29:35AM
13 Q Were any criminal charges brought 10:29:48AM
14 against you in connection with the Ryan matter?
15 A No. 10:29:54AM
16 Q Were there any criminal -- well, 10:29:54AM
17 strike that.
18 Was he arrested at all in connection 10:29:54AM
19 with that matter?
20 A Yes. 10:29:57AM
21 Q What was he arrested for? 10:29:57AM
22 A Disorderly conduct and resisting 10:29:59AM
23 arrest.
24 Q And who was the arresting officer in 10:30:05AM
25 that matter?
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1 GEORGE HESSE
2 A I was. 10:30:08AM
3 Q Was he actually charged with those 10:30:09AM
4 crimes after being arrested?
5 A Yes. 10:30:13AM
6 Q Was there a trial? 10:30:14AM
7 A No. 10:30:18AM
8 Q Did he take a plea? 10:30:19AM
9 A Yes. 10:30:21AM
10 Q Do you know what he pled to? 10:30:21AM
11 A He may have pled to the disorderly 10:30:24AM
12 conduct, and he allocuted.
13 Q And how about the time before Kenneth 10:30:35AM
14 Ryan in which you testified in a civil matter,
15 when was that?
16 A The next one. 10:30:44AM
17 Q In reverse chronological order, the 10:30:46AM
18 time that you testified in a civil matter prior
19 to the Ryan matter.
20 A It may have been '93 or '94. 10:30:52AM
21 Q And who was the plaintiff in that 10:30:54AM
22 matter?
23 A Michael Bloomberg. 10:30:56AM
24 MR. NOVIKOFF: The mayor? 10:30:58AM
25 THE WITNESS: No. 10:31:01AM
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1 GEORGE HESSE
2 BY MR. GOODSTADT: 10:31:02AM
3 Q Were you a defendant? 10:31:02AM
4 A Say that again. 10:31:04AM
5 Q Were you a defendant? 10:31:04AM
6 A Yes. 10:31:06AM
7 Q Who were the other defendants? 10:31:06AM
8 A I would believe just the Village of 10:31:09AM
9 Ocean Beach. I don't know if there were any
10 others.
11 Q And what did Mr. Bloomberg allege in 10:31:16AM
12 his complaint?
13 A Excessive use of force and violating 10:31:19AM
14 his civil rights.
15 Q And what did -- what conduct did he 10:31:32AM
16 allege that you engaged in that amounted to
17 excessive force and a violation of his civil
18 rights?
19 A What amount of conduct did I do? 10:31:41AM
20 Q Well, what conduct did he allege that 10:31:44AM
21 you did that amounted to excessive force and a
22 violation of his civil rights?
23 MR. NOVIKOFF: In the complaint? 10:31:51AM
24 MR. GOODSTADT: What was he alleging 10:31:52AM
25 in the complaint.
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1 GEORGE HESSE
2 A I don't really recall exactly. 10:31:56AM
3 Q Was there a trial in that matter? 10:31:59AM
4 A No. 10:32:01AM
5 Q Do you know how that matter was 10:32:01AM
6 resolved or disposed of?
7 A No. 10:32:05AM
8 Q You don't know if there was a 10:32:05AM
9 settlement?
10 A No. 10:32:08AM
11 Q Who represented you in connection with 10:32:10AM
12 that matter?
13 A I don't recall. 10:32:12AM
14 Q Do you know where that matter was 10:32:12AM
15 filed?
16 A Maybe Suffolk County. 10:32:14AM
17 Q How about the Ryan matter, do you know 10:32:16AM
18 where that was filed?
19 A Maybe Suffolk County also. 10:32:19AM
20 Q Were there any times that you 10:32:23AM
21 testified in a civil matter other than for today
22 and the four that you just testified to?
23 A Not that I recall. 10:32:30AM
24 Q Well, we're doing a good job so far, 10:32:36AM
25 but it's important that you give verbal answers
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1 GEORGE HESSE
2 so we can get a written record as well as a
3 videotaped transmission of this deposition; is
4 that okay?
5 A I understand. 10:32:48AM
6 Q If I ask a question that you don't 10:32:49AM
7 understand or you don't hear, just ask me to
8 repeat it or rephrase it, okay?
9 A Okay. 10:32:58AM
10 Q If I use a term that you don't 10:32:58AM
11 understand or you don't hear, again, just ask me
12 to repeat it or rephrase it, okay?
13 A Okay. 10:33:05AM
14 Q Because if you do answer a question, 10:33:07AM
15 I'm going to assume that you both understood it
16 and that you heard it.
17 A Okay. 10:33:12AM
18 MR. NOVIKOFF: Note my objection. 10:33:13AM
19 BY MR. GOODSTADT: 10:33:14AM
20 Q It's important that you let me finish 10:33:14AM
21 my question, just as it's important that I let
22 you finish your answer. It's just again so we
23 have a clean record; is that okay?
24 A Yes. 10:33:19AM
25 Q If there's any point in time that you 10:33:20AM
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1 GEORGE HESSE
2 feel that you need to take a break or you want
3 to take a recess, just let me know. I'll be
4 happy to accommodate that, okay?
5 A Yes. 10:33:28AM
6 Q Are you presently taking any 10:33:28AM
7 medications?
8 A No. 10:33:32AM
9 Q Is there anything that can think of 10:33:32AM
10 that would prevent you from testifying fully and
11 truthfully today?
12 A No. 10:33:38AM
13 Q Are you sick at all today? 10:33:39AM
14 A No. 10:33:40AM
15 Q Are you represented by an attorney in 10:33:44AM
16 connection with this matter?
17 A Yes. 10:33:48AM
18 Q Who is that? 10:33:48AM
19 A Kevin Connolly. 10:33:49AM
20 Q And he's sitting right next to you, 10:33:50AM
21 correct?
22 A Correct. 10:33:53AM
23 Q When did you first learn that the 10:33:53AM
24 plaintiffs were making allegations against Ocean
25 Beach and you in connection with this matter?
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1 GEORGE HESSE
2 claim?
3 A I don't recall. 10:34:46AM
4 Q You don't recall whether it was 10:34:48AM
5 delivered by mail, by hand, overnight, E-mail,
6 fax?
7 A I don't recall. 10:34:54AM
8 Q Do you recall where you were when you 10:34:55AM
9 received it?
10 A I don't recall. 10:34:58AM
11 Q Who did you speak with about the 10:35:03AM
12 notice of claim when you received it?
13 MR. NOVIKOFF: Objection. 10:35:08AM
14 A I believe the first person I had 10:35:09AM
15 spoken to was Maryann Minerva.
16 Q Who's she? 10:35:17AM
17 A She's the village administrator. 10:35:18AM
18 Q Did you reach out to her or did she 10:35:26AM
19 reach out to you in connection with that
20 discussion?
21 A I don't know. 10:35:31AM
22 MR. NOVIKOFF: Objection. Form. 10:35:33AM
23 A I don't recall. 10:35:34AM
24 Q Was it on the phone or in person or 10:35:34AM
25 some other means?
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1 GEORGE HESSE
2 MR. NOVIKOFF: Objection. 10:34:01AM
3 Just allegations in the complaint or 10:34:02AM
4 just allegations at all?
5 MR. GOODSTADT: Allegations generally. 10:34:06AM
6 MR. NOVIKOFF: Okay. Objection to 10:34:09AM
7 form.
8 MR. CONNOLLY: Allegations that would 10:34:11AM
9 have been ultimately contained in the
10 complaint.
11 MR. NOVIKOFF: Yeah, I don't 10:34:15AM
12 understand the question.
13 BY MR. GOODSTADT: 10:34:17AM
14 Q Do you understand what I mean by 10:34:18AM
15 allegations?
16 A Just repeat the question, please. 10:34:19AM
17 Q When did you first learn that the 10:34:21AM
18 plaintiffs in this case were making allegations
19 against the beach and you?
20 MR. NOVIKOFF: Objection. Form. 10:34:27AM
21 A I don't recall the date. 10:34:29AM
22 Q Do you recall how you learned of it? 10:34:30AM
23 A I believe I received a notice of claim 10:34:34AM
24 at some point. I don't remember the date.
25 Q How did you receive that notice of 10:34:41AM
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1 GEORGE HESSE
2 MR. NOVIKOFF: Objection. Form. 10:35:37AM
3 A I don't recall. 10:35:38AM
4 Q What did you discuss with her? 10:35:41AM
5 A We may have read the complaint 10:35:47AM
6 together and may have made some opinions about
7 it.
8 MR. CONNOLLY: Are we speaking of the 10:35:56AM
9 complaint or the notice of claim?
10 THE WITNESS: Notice of claim. 10:36:00AM
11 BY MR. GOODSTADT: 10:36:01AM
12 Q And tell me the substance of the 10:36:01AM
13 conversation.
14 A I really don't recall the substance. 10:36:04AM
15 Q What opinions did you guys reach at 10:36:06AM
16 that time?
17 MR. NOVIKOFF: Objection. Form. 10:36:10AM
18 A I was upset. 10:36:13AM
19 Q How come? 10:36:16AM
20 A Because I thought it was baseless. 10:36:18AM
21 Q Did you discuss that with Ms. Minerva 10:36:22AM
22 at the time?
23 A Yes. 10:36:25AM
24 Q What did you tell her about your 10:36:25AM
25 belief that it was baseless?
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1 GEORGE HESSE
2 A I figured that the entire complaint 10:36:30AM
3 was out of line and it was just based on lies.
4 Q Did you tell her why you thought it 10:36:39AM
5 was based on lies?
6 A I don't recall. 10:36:42AM
7 Q What did she say to you in that 10:36:44AM
8 conversation?
9 MR. NOVIKOFF: Objection. 10:36:47AM
10 A She agreed with me. 10:36:47AM
11 Q Do you recall anything else that she 10:36:52AM
12 said other than for saying I agree with you?
13 A No. 10:36:55AM
14 Q Do you recall anything else that was 10:36:56AM
15 stated during that conversation other than what
16 you've testified to?
17 A I don't recall at this time. 10:37:01AM
18 Q Is there anything that you can think 10:37:02AM
19 of that would refresh your recollection?
20 A No. 10:37:06AM
21 Q Did you take any notes of the 10:37:07AM
22 conversation?
23 A No. 10:37:08AM
24 Q Was anyone else there? 10:37:08AM
25 A No. 10:37:10AM
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1 GEORGE HESSE
2 Q How long did the conversation last? 10:37:10AM
3 A I don't recall. 10:37:12AM
4 Q Did you speak to -- well, strike that. 10:37:16AM
5 Who else did you speak with about the 10:37:19AM
6 notice of claim?
7 MR. NOVIKOFF: Objection. Form. 10:37:23AM
8 A I'm sure at some point I spoke to 10:37:25AM
9 Joseph Loeffler.
10 Q Do you actually recall speaking with 10:37:33AM
11 him?
12 A Not particularly, no. 10:37:36AM
13 Q So you don't know whether you actually 10:37:38AM
14 spoke with him?
15 A I don't recall. 10:37:43AM
16 Q Can you think of anything that would 10:37:45AM
17 refresh your recollection?
18 A No. 10:37:47AM
19 Q What led you to believe that you 10:37:47AM
20 likely spoke with him?
21 A Well, at the time, he was a trustee. 10:37:52AM
22 And I don't remember how we got into contact
23 with each other, but I'm sure at some point we
24 did speak about it.
25 Q Did you speak with any other trustees 10:38:07AM
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1 GEORGE HESSE
2 other than for Mr. Loeffler about the notice of
3 claim?
4 A No trustees, no. 10:38:11AM
5 Q Why would you speak to Loeffler as 10:38:13AM
6 opposed to the other trustees?
7 A I believe at that point, when he was a 10:38:20AM
8 trustee and Mayor Loeffler was -- Mayor Rogers
9 was in office, I don't want to say that he was a
10 liaison, but I think he understood the police
11 department's operation better than she would, so
12 I think he would just kind of interpret things
13 for her.
14 Q Did he have a title of police liaison 10:38:41AM
15 at the time?
16 A No. 10:38:45AM
17 Q Does that title exist? 10:38:45AM
18 A Not that I'm aware of, no. 10:38:47AM
19 Q You don't recall any of the substance 10:38:54AM
20 of that conversation?
21 A I don't recall, no. 10:38:57AM
22 Q Did you speak with Mayor Rogers about 10:38:58AM
23 the notice of claim?
24 A Yes. 10:39:01AM
25 Q And when was that? 10:39:01AM
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1 GEORGE HESSE
2 A Repeat that. 10:39:03AM
3 Q When was that conversation? 10:39:04AM
4 A I don't recall the date. 10:39:05AM
5 Q Was that in person or on the phone? 10:39:06AM
6 A In person. 10:39:09AM
7 Q Just going back to the Loeffler 10:39:09AM
8 discussion, was that in person or on the phone?
9 A In person. 10:39:14AM
10 Q Was anyone else there? 10:39:15AM
11 A Not that I recall. 10:39:17AM
12 Q Did you ever refer to Loeffler as the 10:39:20AM
13 police liaison?
14 A Nothing official that I can recall. 10:39:25AM
15 Q How about unofficially, did you ever 10:39:29AM
16 refer to him as the police liaison?
17 A Not that I recall. 10:39:34AM
18 Q So it's possible that you did? 10:39:34AM
19 A Yeah. 10:39:36AM
20 MR. NOVIKOFF: Objection. 10:39:37AM
21 BY MR. GOODSTADT: 10:39:38AM
22 Q When did you speak with Rogers, was 10:39:41AM
23 that before or after speaking with Loeffler,
24 about the notice of claim?
25 A I don't recall if it was before or 10:39:48AM
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1 GEORGE HESSE
2 after.
3 Q What did you discuss with Mayor Rogers 10:39:53AM
4 about the notice of claim?
5 A Just that, in my opinion, it was 10:39:57AM
6 baseless.
7 Q And what did she say? 10:40:00AM
8 A I don't remember her reaction. 10:40:03AM
9 Q Do you remember anything she said to 10:40:04AM
10 you in that conversation?
11 A Not in reference to the notice of 10:40:12AM
12 claim.
13 (Whereupon, the referred to portion 10:40:18AM
14 was read back by the court reporter: Q, Do
15 you remember anything she said to you in
16 that conversation? A, Not in reference to
17 the notice of claim.)
18 BY MR. GOODSTADT: 10:40:27AM
19 Q How about in reference to any of the 10:40:27AM
20 allegations in the notice of claim?
21 MR. NOVIKOFF: Objection. Form. 10:40:31AM
22 A Not that I recall. 10:40:32AM
23 Q Do you recall anything she said to you 10:40:33AM
24 during that conversation?
25 A Yes. 10:40:36AM
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1 GEORGE HESSE
2 Q What did she say you to during the 10:40:36AM
3 conversation that you recall?
4 A She had brought up Ed Paradiso. 10:40:40AM
5 Q What did she say about Ed Paradiso? 10:40:43AM
6 A That she was disappointed in him. 10:40:45AM
7 Q Did she tell you she was disappointed 10:40:50AM
8 in Ed Paradiso?
9 A Because he just kind of fell off the 10:40:55AM
10 face of the earth and really had no
11 participation in anything that was happening to
12 the police department, and that was it.
13 Q Was Ed Paradiso on active duty at the 10:41:05AM
14 time?
15 A At that point, no. 10:41:11AM
16 Q So she was referring to him not 10:41:14AM
17 participating in anything while he was not
18 active?
19 MR. NOVIKOFF: Objection. 10:41:18AM
20 A He was on medical leave, I guess. I 10:41:20AM
21 don't know what the terminology is they
22 officially used, but he was out.
23 Q But that's what she was saying, she 10:41:29AM
24 was disappointed that he wasn't participating in
25 anything at that time, while he was on the
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1 GEORGE HESSE
2 medical or whatever the term is?
3 MR. NOVIKOFF: Objection to form. 10:41:38AM
4 A That's correct. 10:41:39AM
5 Q Did she say anything else about Ed 10:41:40AM
6 Paradiso?
7 A Not that I recall. 10:41:42AM
8 Q Did you respond to her disappointment 10:41:43AM
9 about Paradiso?
10 A I agreed with her. 10:41:46AM
11 Q Did you expect Paradiso to participate 10:41:49AM
12 while he was out on medical leave?
13 MR. NOVIKOFF: Objection. 10:41:54AM
14 A I would -- yes, I expected him to 10:41:55AM
15 participate in something.
16 Q What did you expect him to participate 10:41:58AM
17 in?
18 A He was still the chief of the police 10:42:02AM
19 department. He has some liabilities involved in
20 everything that we were doing.
21 Q Do you recall anything else that you 10:42:14AM
22 discussed with Ms. Rogers during that
23 conversation?
24 A No. 10:42:18AM
25 Q And when she said that Ed Paradiso 10:42:21AM
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1 GEORGE HESSE
2 wasn't participating in anything, was she
3 talking about the stuff that was set forth in
4 the notice of claim or just generally wasn't
5 participating?
6 A I think generally. 10:42:31AM
7 Q Did you ever speak to Ed Paradiso 10:42:35AM
8 about the notice of claim?
9 A Yes. 10:42:39AM
10 Q When was that? 10:42:40AM
11 A I don't recall. 10:42:42AM
12 Q Was that before or after you spoke 10:42:44AM
13 with Rogers?
14 A I don't recall. 10:42:47AM
15 Q Was it in person or on the phone? 10:42:49AM
16 A On the phone. 10:42:51AM
17 Q Did you call him or he called you? 10:42:52AM
18 A He called me. 10:42:54AM
19 Q Did he call you at home or at the 10:42:55AM
20 station or elsewhere?
21 A At the station. 10:43:00AM
22 Q Approximately how long after you 10:43:02AM
23 received the notice of claim did he call you to
24 discuss it?
25 A I don't recall. 10:43:07AM
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1 GEORGE HESSE
2 Q And tell me everything you recall from 10:43:09AM
3 that conversation.
4 A I expressed my disappointment in him 10:43:18AM
5 as the chief and that I believed that the
6 majority of what was going on with me in
7 reference to the job was his fault.
8 Q What do you mean by that? 10:43:29AM
9 A Just that I'm getting blamed for 10:43:32AM
10 absolutely everything, and he's chief of police.
11 Q Do you recall what he said in response 10:43:42AM
12 to that?
13 A Just a lot of, oh, I understand, 10:43:45AM
14 Georgie.
15 Q Do you recall anything else you said 10:43:48AM
16 other than for the fact that you were getting
17 blamed for everything and he's the chief of
18 police?
19 A Repeat that. 10:43:56AM
20 Q Did you discuss anything else other 10:43:57AM
21 than for telling him that you're getting blamed
22 for everything even though he's the chief of
23 police?
24 A No. 10:44:05AM
25 Q Did you discuss the substance of the 10:44:05AM
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1 GEORGE HESSE
2 claims in the notice of claim with him?
3 A No. 10:44:09AM
4 Q Have you ever discussed the substance 10:44:11AM
5 of the allegations in the notice of claim or the
6 complaint in this lawsuit with Ed Paradiso?
7 MR. NOVIKOFF: Objection to form. 10:44:20AM
8 A No. I don't recall. 10:44:21AM
9 Q What was the everything that you 10:44:29AM
10 thought you were getting blamed for?
11 A Just the overall operation of the 10:44:34AM
12 police department. Everything was just falling
13 onto my lap. I was carrying the burden of
14 everything that happened to be going wrong.
15 Q Was there anything going wrong other 10:44:44AM
16 than for receiving a notice of claim from the
17 plaintiff in this matter?
18 MR. NOVIKOFF: Objection to form. 10:44:51AM
19 A We had some internal issues. 10:44:52AM
20 Q What were those. 10:44:54AM
21 MR. NOVIKOFF: Well, were you done 10:44:56AM
22 with your answer?
23 BY MR. GOODSTADT: 10:44:59AM
24 Q You can finish. I'm sorry. We have 10:44:59AM
25 that understanding that we're going to let each
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1 GEORGE HESSE
2 other finish.
3 A We were having some internal issues, 10:45:04AM
4 and I believe also the -- an incident that I was
5 involved with later.
6 Q Anything other than for the notice of 10:45:21AM
7 claim, the internal issues and that incident
8 that you're referring to when you told Chief
9 Paradiso that you were getting blamed for
10 everything?
11 MR. NOVIKOFF: Note my objection to 10:45:30AM
12 the form.
13 A I don't recall. 10:45:32AM
14 Q What internal issues were you 10:45:33AM
15 referring to?
16 A We had an incident back in 2004, and 10:45:37AM
17 we all know it here at this table, called the
18 Halloween incident. There was a lot of
19 animosity within the police department that
20 needed to be rectified that was never done.
21 Q Animosity between who? 10:45:58AM
22 A Employees. 10:46:00AM
23 Q Who were the employees that there was 10:46:01AM
24 animosity between?
25 A That would be Kevin Lamm, Frank 10:46:04AM
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1 GEORGE HESSE
2 Fiorillo, Tom Snyder, Gary Bosetti, Richard
3 Bosetti. There may have been some others that I
4 don't recall at this time.
5 Q Do you recall anyone else that there 10:46:17AM
6 was animosity between that you're referring to?
7 A Repeat that. 10:46:21AM
8 Q Anyone else that there was animosity 10:46:22AM
9 between that you're referring when you say there
10 was animosity in the department?
11 A I don't recall at this time. 10:46:26AM
12 Q Ty Bacon? 10:46:28AM
13 A There may have been. I don't know. 10:46:31AM
14 Q Patrick Cherry? 10:46:32AM
15 A No. 10:46:34AM
16 Q John Dyer? 10:46:37AM
17 A No. 10:46:39AM
18 Q And when you say there was animosity, 10:46:43AM
19 it was between Lamm, Fiorillo and Snyder on one
20 side and the Bosettis on the other?
21 MR. NOVIKOFF: Objection to form. 10:46:52AM
22 A Yes. 10:46:53AM
23 Q Was there animosity between you and 10:46:55AM
24 the Bosettis in connection with the Halloween
25 incident?
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1 GEORGE HESSE
2 A No. 10:47:00AM
3 Q Was there animosity between you and 10:47:01AM
4 Fiorillo, Snyder and Lamm?
5 A No. 10:47:04AM
6 Q When did that animosity start? 10:47:13AM
7 A Probably right -- right away, in 2004, 10:47:18AM
8 October 31st.
9 Q So before that, there was no animosity 10:47:23AM
10 between the Bosettis and those three plaintiffs
11 that you're referring to?
12 A Not that I'm aware of. 10:47:30AM
13 MR. NOVIKOFF: Objection. 10:47:32AM
14 BY MR. GOODSTADT: 10:47:32AM
15 Q Were any other -- and we'll discuss 10:47:35AM
16 Halloween a little bit later. But were there
17 any other internal issues that you're referring
18 to other than for the Halloween incident?
19 A There was some regular insubordination 10:47:45AM
20 from some members of the police department and
21 myself.
22 Q And who was that? 10:47:51AM
23 A That would be Frank Fiorillo and Kevin 10:47:52AM
24 Lamm.
25 Q Anyone else? 10:47:58AM
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1 GEORGE HESSE
2 A Not that I recall. 10:48:00AM
3 Q And what insubordination are you 10:48:03AM
4 referring to with respect to Fiorillo?
5 A There are some particular times where 10:48:08AM
6 he was asked to do something and flat-out
7 refused.
8 Q And what were those things he was 10:48:15AM
9 asked to do that he refused?
10 A Well, there was one incident where I 10:48:19AM
11 asked him to just take a little Windex and
12 squirt one of the windows on the police car, and
13 I was told to go fuck myself, he wasn't gonna do
14 it.
15 Q Did you write him up for that? 10:48:31AM
16 A Yes, I did. 10:48:33AM
17 Q Any other incidents that you're 10:48:39AM
18 referring to other than for squirting the Windex
19 on the police window?
20 A Yeah. There was a time where he and 10:48:46AM
21 Kevin Lamm came to me and asked me if they
22 could -- when they're writing summons, if they
23 could take bail out on the street in a police
24 car, and I told them no, you cannot do that;
25 it's called station house bail for a reason.
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1 GEORGE HESSE
2 They went over my head. They went to 10:49:01AM
3 Judge Russell at the time. Judge Russell, not
4 being a criminal judge but a civil judge or
5 attorney, gave them wrong information,
6 misinformation, and told them that they can do
7 it.
8 They asked me again. I told them 10:49:17AM
9 again, no, you cannot do it, and I actually
10 caught them taking money from somebody they were
11 writing up in the police car just outside the
12 police department, and they tried to hide it
13 from me, because they hid the bail book in -- I
14 believe Kevin Lamm came in, grabbed the bail
15 book and went outside and tried to take bail.
16 Q Were you upset that they went to Judge 10:49:41AM
17 Powell? Is that his name?
18 A Russell. 10:49:45AM
19 Q Russell. Were you upset that they 10:49:46AM
20 went to Judge Russell?
21 A No, I wasn't upset. It was just 10:49:50AM
22 incorrect procedure.
23 Q It's a break in the chain of command? 10:49:55AM
24 A You could say that. 10:49:57AM
25 Q Would you say that? 10:49:58AM
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1 GEORGE HESSE
2 A No. 10:49:59AM
3 Q You wouldn't say that's a break in the 10:49:59AM
4 chain of command?
5 A No. Judge is not part of the chain of 10:50:02AM
6 command.
7 Q So it would be breaking the chain of 10:50:05AM
8 command?
9 MR. NOVIKOFF: Objection. Form. 10:50:09AM
10 A He's not part of the chain of command. 10:50:10AM
11 Q So they went outside the chain of 10:50:13AM
12 command?
13 A Yes. 10:50:16AM
14 Q Is that improper? 10:50:16AM
15 A That's improper, yes. 10:50:17AM
16 Q Did you write them up for that 10:50:21AM
17 incident?
18 A No. 10:50:24AM
19 Q How come? 10:50:25AM
20 A I counseled them right on the spot. 10:50:26AM
21 Q Did you memorialize that incident in 10:50:30AM
22 writing in any way?
23 A No. 10:50:34AM
24 Q Any other incidents of insubordination 10:50:36AM
25 that you're referring to with respect to Lamm or
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1 GEORGE HESSE
2 Fiorillo?
3 A With Lamm, he had a habit of putting 10:50:45AM
4 handcuffs on somebody urinating in public and
5 dragging them down through town and bringing
6 them to the police department, and he was told
7 not to do that. Just write the summons on the
8 spot.
9 Q Did you write him up for that? 10:51:02AM
10 A No. 10:51:04AM
11 Q Did he violate your direction of just 10:51:05AM
12 writing them up on the spot?
13 A On a few occasions, yes. 10:51:11AM
14 Q Even though he was allegedly 10:51:14AM
15 insubordinate on a few occasions, you didn't
16 write him up for it at all?
17 A No. I counseled him. 10:51:21AM
18 Q Did you memorialize it in writing in 10:51:22AM
19 any way?
20 A No. 10:51:25AM
21 Q Did any of the -- strike that. 10:51:25AM
22 Any other incidents of insubordination 10:51:35AM
23 that you're referring to when you testified a
24 moment ago about insubordination with respect to
25 Fiorillo and Lamm?
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1 GEORGE HESSE
2 MR. NOVIKOFF: Objection. Form. 10:51:43AM
3 A Right now, I don't recall. 10:51:44AM
4 Q Any other internal issues other than 10:51:45AM
5 for the Halloween incident and the
6 insubordination by Fiorillo and Lamm?
7 A As of right now, I don't recall. 10:51:53AM
8 Q Anything that would refresh your 10:51:55AM
9 recollection?
10 A I don't recall. I don't know. 10:51:57AM
11 Q Do you have any notes anywhere -- 10:51:58AM
12 A I have no notes. 10:51:59AM
13 Q -- in a file? 10:52:00AM
14 And then you testified that you're 10:52:04AM
15 referring to an incident that you were involved
16 with later when you were talking about being
17 blamed for everything. What were referring to
18 when you said the incident that you were
19 involved in later?
20 A Repeat that. 10:52:17AM
21 Q Yeah, I believe before you 10:52:19AM
22 testified -- when I asked you what was the
23 everything that you thought you were getting
24 blamed for, you said it was the notice of claim,
25 internal issues and the incident that you were
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1 GEORGE HESSE
2 involved in later. What was the incident that
3 you were involved in later that you were
4 referring to?
5 A The Gilbert incident. Sam Gilbert. 10:52:31AM
6 Q And what was that? 10:52:34AM
7 A That was an arrest that was made. 10:52:35AM
8 Q That you made? 10:52:45AM
9 A I was an assist on the arrest, but 10:52:49AM
10 another police officer made the arrest.
11 Q And what do you mean by "incident"? 10:52:57AM
12 Was it anything more than just an arrest?
13 A No. 10:53:01AM
14 Q Did Mr. Gilbert sue you? 10:53:03AM
15 A Yes. 10:53:05AM
16 Q For what? 10:53:05AM
17 A Excessive force -- he alleged that we 10:53:06AM
18 brutally beat him -- and false arrest, violating
19 his civil rights.
20 Q And that matter is still pending, 10:53:19AM
21 correct?
22 A The civil matter, yes. 10:53:21AM
23 Q Who represents you in the civil 10:53:23AM
24 matter?
25 A I believe his name is Mark Anesh. 10:53:25AM
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1 GEORGE HESSE
2 Q Mr. Anesh is at Wilson, Elser, 10:53:34AM
3 Moskowitz, Edelman and Dicker?
4 A It's possible. I don't recall. 10:53:39AM
5 And there is another attorney that is 10:53:40AM
6 on the case. I believe her last name is Slim,
7 S-L-I-M. I don't remember her first name. I've
8 only spoken to her once.
9 Q Who are the other defendants in that 10:53:52AM
10 matter?
11 MR. NOVIKOFF: On the civil or on the 10:53:56AM
12 criminal?
13 MR. GOODSTADT: On the civil matter. 10:53:57AM
14 That's what we're talking about.
15 A On the civil? I believe that would be 10:54:00AM
16 myself. There was Arnold Hardman, possibly --
17 well, the Village of Ocean Beach. To tell you
18 the truth, I don't recall who else is named on
19 the suit itself.
20 Q And you were indicted for that? 10:54:22AM
21 A That's correct. 10:54:23AM
22 Q And you were tried for that? 10:54:24AM
23 A That's correct. 10:54:25AM
24 Q And you were acquitted, correct? 10:54:26AM
25 A That's correct. 10:54:29AM
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1 GEORGE HESSE
2 Q Did you testify in the criminal trial? 10:54:29AM
3 A No. 10:54:32AM
4 Q And other than for this matter, the 10:54:39AM
5 Gilbert matter, the other matters that you
6 testified to that you testified in a deposition,
7 have you ever been sued civilly?
8 MR. CONNOLLY: Objection, Andrew, only 10:54:53AM
9 that I don't believe there's been any
10 testimony that he testified in the Gilbert
11 matter.
12 MR. GOODSTADT: Well, I'm asking now 10:54:59AM
13 has he been sued in any matter.
14 BY MR. GOODSTADT: 10:55:02AM
15 Q Other than for Gilbert, this incident 10:55:02AM
16 and perhaps the other four -- I know you don't
17 know if you were actually sued in the other
18 four. But putting those four aside, Gilbert and
19 this matter, have you ever been sued civilly?
20 A Yes. I do have one other one. 10:55:11AM
21 Q And what's the other one? 10:55:13AM
22 A Jesse Prisco. Actually, I forgot 10:55:15AM
23 about that one.
24 Q And what is Mr. Prisco suing you for? 10:55:23AM
25 A Excessive force and maybe violating 10:55:25AM
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1 GEORGE HESSE
2 his civil rights. I don't recall what else.
3 Q So let's go back to Gilbert quickly, 10:55:38AM
4 and we'll get into that in some more detail
5 later. In Gilbert, you testified already that
6 you were indicted on that matter and tried and
7 acquitted. Was Gilbert charged with any
8 criminal conduct with respect to that arrest?
9 A Yes. 10:55:54AM
10 Q And what was he charged with? 10:55:54AM
11 A Resisting arrest and -- did I say -- I 10:55:56AM
12 said resisting arrest. Disorderly conduct,
13 resisting arrest, and he was also issued a
14 littering ticket.
15 Q And who was the arresting officer? 10:56:11AM
16 A Arnold Hardman. 10:56:13AM
17 Q And was he charged with those crimes 10:56:24AM
18 that he was arrested for?
19 A Mr. Gilbert? 10:56:29AM
20 Q Yes. 10:56:30AM
21 A Yes. 10:56:30AM
22 Q And was there a trial in that matter? 10:56:31AM
23 A No. 10:56:33AM
24 Q Do you know how that -- those charges 10:56:34AM
25 were resolved, if at all?
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1 GEORGE HESSE
2 A I believe he pled guilty to the 10:56:38AM
3 littering and they dismissed the other charges
4 in satisfaction.
5 Q Okay. So there's no criminal charges 10:56:50AM
6 against him still pending, correct?
7 A No. 10:56:55AM
8 Q Let's go to Prisco. Who represents 10:56:55AM
9 you in the Prisco matter?
10 A I don't recall his name. 10:57:00AM
11 Q And who is Mr. Prisco suing other than 10:57:07AM
12 for you?
13 A I'm sure the Village of Ocean Beach. 10:57:10AM
14 I don't recall who else is listed. I'm sure
15 there's a bunch of John Does, but I don't know.
16 Q And what is Mr. Prisco suing you and 10:57:19AM
17 the beach for?
18 A I believe I said that already. 10:57:24AM
19 Q Excessive force? 10:57:25AM
20 A Excessive use of force and civil right 10:57:25AM
21 violation.
22 Q You did say that. I apologize. 10:57:30AM
23 What did Mr. Prisco allege that you 10:57:32AM
24 did that amounted to excessive force and
25 violations of his civil rights?
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1 GEORGE HESSE
2 MR. NOVIKOFF: In the complaint? 10:57:39AM
3 MR. GOODSTADT: In the complaint. 10:57:41AM
4 A He said that I dragged him down a 10:57:41AM
5 flight of stairs and that I beat him on the
6 street and falsely arrested him.
7 Q And were any criminal charges brought 10:57:51AM
8 against Mr. Prisco with respect to that matter?
9 A Yes. 10:57:56AM
10 Q What were those charges? 10:57:56AM
11 A There was an assault second. There 10:57:57AM
12 was disorderly conduct, resisting arrest. I
13 believe there was some sort of a noise violation
14 under the village code.
15 Q Was he charged with those crimes that 10:58:08AM
16 he was arrested for?
17 A Yes. 10:58:12AM
18 Q And what was the outcome of those 10:58:12AM
19 charges?
20 A I believe he pled to, I want to say 10:58:15AM
21 disorderly conduct, but I don't recall.
22 Q Were there any criminal charges 10:58:27AM
23 brought against you or any other employees of
24 the village --
25 A No. 10:58:33AM
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1 GEORGE HESSE
2 Q -- with respect to that case? 10:58:34AM
3 Now, you didn't testify under oath at 10:58:36AM
4 all in the Prisco or the Gilbert matter, the
5 civil suits, right?
6 A No. Right. 10:58:43AM
7 Q Now, just going back to what we 10:58:47AM
8 discussed before about your discussions with
9 people when you received the notice of claim.
10 Did you discuss the notice of claim at all with
11 Gary Bosetti?
12 A I may have. 10:58:56AM
13 Q And when did you discuss it with him? 10:58:58AM
14 A I don't recall. 10:59:00AM
15 Q Do you recall where you were when you 10:59:00AM
16 discussed it?
17 A No. 10:59:02AM
18 MR. NOVIKOFF: Objection. 10:59:03AM
19 BY MR. GOODSTADT: 10:59:04AM
20 Q Do you recall the substance of the 10:59:07AM
21 discussion that you had with him with respect to
22 the notice of claim?
23 MR. NOVIKOFF: Objection. 10:59:15AM
24 MR. CONNOLLY: Objection. 10:59:16AM
25 A No. 10:59:17AM
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1 GEORGE HESSE
2 Q How about Richard Bosetti, did you 10:59:17AM
3 discuss the notice of claim with him?
4 A I don't recall. 10:59:21AM
5 Q Have you discussed the complaint in 10:59:21AM
6 this lawsuit or any of the allegations in the
7 complaint with Gary Bosetti?
8 MR. CONNOLLY: Objection, Andrew, to 10:59:27AM
9 the extent that I don't know if we've gone
10 through whether Mr. Hesse had received a
11 copy of the complaint.
12 BY MR. GOODSTADT: 10:59:34AM
13 Q You were served with a copy of the 10:59:35AM
14 complaint in this lawsuit, correct?
15 A I believe so. 10:59:38AM
16 Q Have you read the complaint in this 10:59:39AM
17 lawsuit?
18 A Yes. 10:59:41AM
19 Q Did you ever discuss the complaint or 10:59:42AM
20 any allegations in the complaint with Gary
21 Bosetti subsequent to you receiving it?
22 A I don't recall. 10:59:49AM
23 Q Did you ever discuss the complaint or 10:59:50AM
24 any allegations in the complaint with Richard
25 Bosetti subsequent to your receiving it?
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1 GEORGE HESSE
2 A I don't recall. 10:59:56AM
3 Q Did you ever discuss the complaint or 10:59:56AM
4 any allegation in the complaint with yo Loeffler
5 subsequent to you receiving it?
6 A Yes. 11:00:03AM
7 Q How many times? 11:00:04AM
8 A I don't recall. 11:00:05AM
9 Q Approximately how many times? 11:00:05AM
10 A I really don't know. 11:00:07AM
11 Q Do you recall the substance of any of 11:00:09AM
12 those conversations that you had with Joe
13 Loeffler about the complaint?
14 A That we both felt that it was 11:00:14AM
15 baseless.
16 Q Did you discuss why you felt it was 11:00:17AM
17 baseless with Joe Loeffler?
18 A Just it's all lies. 11:00:21AM
19 Q But did you discuss what you thought 11:00:23AM
20 were lies?
21 A The whole thing. 11:00:25AM
22 Q Every word in the complaint you think 11:00:31AM
23 is a lie?
24 A Yes. 11:00:33AM
25 Q Do you recall anything that 11:00:36AM
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1 GEORGE HESSE
2 Mr. Loeffler said during those conversations?
3 A I don't recall. 11:00:41AM
4 Q You don't recall anything he said? 11:00:42AM
5 A I don't recall. 11:00:45AM
6 Q Do you have anything that would 11:00:46AM
7 refresh your recollection that you can think of?
8 A At this time, no. 11:00:51AM
9 Q Do you have any notes? Did you ever 11:00:51AM
10 have any written correspondence with him about
11 this matter?
12 A Not that I'm aware of. 11:00:55AM
13 Q Did you ever discuss Mitch Burns with 11:00:57AM
14 Joe Loeffler?
15 A No. 11:01:01AM
16 MR. NOVIKOFF: Objection only as to 11:01:01AM
17 time frame.
18 MR. GOODSTADT: Ever. 11:01:04AM
19 A No. 11:01:05AM
20 Q Did you ever discuss the complaint or 11:01:09AM
21 any allegations in the complaint with Patrick
22 Cherry?
23 A Yes. 11:01:15AM
24 Q And when I say Patrick Cherry, I'm 11:01:16AM
25 referring to Patrick Cherry, Sr. Is that fair?
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1 GEORGE HESSE
2 A Yes. 11:01:21AM
3 Q How many times did you discuss the 11:01:22AM
4 complaint or the allegations of the complaint
5 with Pat Cherry?
6 MR. NOVIKOFF: Objection again. Only 11:01:27AM
7 once he received the complaint?
8 MR. GOODSTADT: Subsequent to 11:01:30AM
9 receiving the complaint.
10 A How many times? 11:01:31AM
11 Q Yes. 11:01:31AM
12 A I don't recall. 11:01:32AM
13 Q Approximately how many times? 11:01:32AM
14 A I really don't recall. 11:01:34AM
15 Q More than five? 11:01:34AM
16 A It's possible. 11:01:35AM
17 Q More than 10? 11:01:36AM
18 A I don't know. 11:01:37AM
19 Q When do you recall the first time 11:01:42AM
20 speaking with Cherry about the lawsuit?
21 A I don't recall. 11:01:45AM
22 Q Was it within six months of receiving 11:01:46AM
23 it?
24 A Safe to say, yes. 11:01:53AM
25 Q Do you recall the substance of any of 11:01:54AM
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1 GEORGE HESSE
2 your conversations with Cherry about the
3 complaint or any allegations of the complaint?
4 A Just that it's baseless. 11:02:00AM
5 Q Did you discuss what you thought was 11:02:01AM
6 baseless about it?
7 A The whole thing. 11:02:04AM
8 Q Did you discuss specifically, other 11:02:05AM
9 than for saying the whole thing, any specific
10 allegations?
11 MR. NOVIKOFF: Objection as to form. 11:02:11AM
12 A Just the basics. 11:02:12AM
13 Q Did you discuss the basis of why you 11:02:14AM
14 thought it was baseless with him?
15 A Based on lies. 11:02:15AM
16 Q That's it? You didn't discuss the 11:02:16AM
17 actual specific claims at all with him?
18 A No. 11:02:21AM
19 Q Did you ever discuss the complaint or 11:02:25AM
20 any of the allegations in the complaint with
21 anyone from the Rivkin Radler law firm?
22 A No. 11:02:33AM
23 Q Did you ever discuss the complaint or 11:02:37AM
24 the allegations in the complaint with Natalie
25 Rogers?
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1 GEORGE HESSE
2 A Yes. We went over that. 11:02:42AM
3 Q No. I think we went over the notice 11:02:45AM
4 of claim with Natalie Rogers. Now I'm talking
5 about the complaint.
6 MR. NOVIKOFF: Your deposition, and 11:02:50AM
7 this doesn't count to your time, but I think
8 the witness should know that there's a
9 difference between a notice of claim and a
10 complaint, because maybe his prior answers,
11 there was some confusion.
12 BY MR. GOODSTADT: 11:03:02AM
13 Q Do you understand the difference 11:03:03AM
14 between the two?
15 A Yes. 11:03:05AM
16 Q I mean, certainly you've received 11:03:06AM
17 complaints in the past. You've now testified to
18 six or seven times you've been sued, correct?
19 A Uh-huh. 11:03:13AM
20 Q And did you receive notices of claims 11:03:14AM
21 in those cases, as well?
22 MR. CONNOLLY: Objection. 11:03:14AM
23 A Yes. 11:03:14AM
24 Q So you know the difference between the 11:03:15AM
25 two, correct?
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1 GEORGE HESSE
2 A Yes. 11:03:18AM
3 Q So now I'm just focused on the 11:03:19AM
4 complaint which was filed in federal court in
5 this lawsuit.
6 Did you ever discuss the complaint or 11:03:24AM
7 any of the allegations in the complaint with
8 Natalie Rogers?
9 A I don't recall. 11:03:33AM
10 Q You don't recall one way or the other? 11:03:34AM
11 A No, I don't. 11:03:37AM
12 Q Is there anything that you can think 11:03:40AM
13 of that would refresh your recollection as to
14 whether you spoke with her?
15 A No. 11:03:45AM
16 Q Did you ever discuss the complaint or 11:03:45AM
17 any allegations in the complaint with Ty Bacon?
18 A Yes. 11:03:50AM
19 Q How many times? 11:03:50AM
20 A I don't know. 11:03:52AM
21 Q Approximately how many times? 11:03:52AM
22 A A couple times, maybe. 11:03:54AM
23 Q More than five? 11:03:56AM
24 A I wouldn't say -- I'd say no. 11:03:57AM
25 Q So somewhere between two and five? 11:04:00AM
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1 GEORGE HESSE
2 A It's possible, yes. 11:04:02AM
3 Q Did you discuss it with him within the 11:04:04AM
4 first six months of receiving it?
5 A I don't recall. 11:04:08AM
6 Q What did you discuss with Ty Bacon 11:04:12AM
7 about the complaint or the allegations in the
8 complaint?
9 A It was baseless. 11:04:16AM
10 Q Did you discuss any of the specific 11:04:17AM
11 allegations?
12 A I don't recall. 11:04:20AM
13 Q Did you tell him what you believe was 11:04:20AM
14 baseless in the complaint?
15 A Specifically, I don't recall. 11:04:23AM
16 Q Anything that would refresh your 11:04:26AM
17 recollection?
18 A Not as of right now, no. 11:04:28AM
19 Q What did he say about the complaint, 11:04:30AM
20 if anything?
21 A He agreed with me. Thought it was 11:04:33AM
22 baseless.
23 Q Do you know whether he read the 11:04:36AM
24 complaint?
25 A You know, I don't know. 11:04:38AM
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1 GEORGE HESSE
2 Q Did you show him a copy of the 11:04:39AM
3 complaint?
4 A No. 11:04:40AM
5 Q So do you know where he was concluding 11:04:41AM
6 it was baseless if you -- do you know how he
7 reached the conclusion that it was baseless if
8 you don't even know that he read the complaint?
9 MR. NOVIKOFF: Objection to form. 11:05:01AM
10 A Because of where it came from. 11:05:05AM
11 Q What do you mean by that? 11:05:07AM
12 A By the officers who filed it. 11:05:08AM
13 Q So your understanding is that he 11:05:13AM
14 reached the conclusion it was baseless just
15 because it was filed by the five plaintiffs in
16 this case?
17 A It's my opinion, yes. 11:05:21AM
18 Q Did you ever ask him if he knew what 11:05:22AM
19 they were alleging?
20 A No. 11:05:24AM
21 Q Did you ever tell him what they were 11:05:24AM
22 alleging?
23 A I don't recall. 11:05:27AM
24 Q Did you ever show him a copy of the 11:05:27AM
25 complaint?
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1 GEORGE HESSE
2 MR. NOVIKOFF: Objection. Asked and 11:05:30AM
3 answered.
4 A No. 11:05:31AM
5 Q Did you show any current or former 11:05:32AM
6 police officers in Ocean Beach a copy of the
7 complaint after you received it?
8 A No. 11:05:40AM
9 Q What was your first law enforcement 11:05:47AM
10 job?
11 A Ocean Beach Police Department. 11:05:51AM
12 Q And when were you hired in the Ocean 11:05:52AM
13 Beach Police Department?
14 A I was sworn in in December of 1992. I 11:05:56AM
15 attended the police academy through '93,
16 graduated in May of '93 and started working that
17 summer.
18 Q Did you attend full-time academy? 11:06:09AM
19 A No, the part-time seasonal police 11:06:12AM
20 academy of Suffolk County.
21 Q How many months is that academy? 11:06:20AM
22 A March, April, May, 5 months. 11:06:24AM
23 Q What's the difference between a 11:06:27AM
24 part-time seasonal academy and a full-time
25 academy?
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1 GEORGE HESSE
2 A It's really the hours involved in the 11:06:32AM
3 training.
4 Q There's more hours with the full-time? 11:06:35AM
5 A Correct. 11:06:37AM
6 Q So it's more training? 11:06:38AM
7 A Yes. 11:06:39AM
8 Q When you were sworn in in December 11:06:46AM
9 '92, I assume you had already applied for the
10 job prior to then?
11 A Yes. 11:06:53AM
12 Q When did you apply for the job? 11:06:53AM
13 A I believe it was the end of the summer 11:06:55AM
14 of '92. My interview took place someplace in
15 the winter of '92 or the fall.
16 Q How did you learn about the job? 11:07:07AM
17 A Through a friend -- a friend of my 11:07:10AM
18 father's who was a Suffolk County Marine Bureau
19 police officer.
20 Q And who was that? Who was the friend 11:07:18AM
21 of your father?
22 A His name was Freddy DeSantis. 11:07:21AM
23 Q Did you know anyone working in the 11:07:28AM
24 Ocean Beach Police Department prior to
25 submitting the application?
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1 GEORGE HESSE
2 A No. 11:07:34AM
3 Q Who did you interview with? 11:07:36AM
4 A Bob Golopi. 11:07:39AM
5 Q Anyone else? 11:07:42AM
6 A I believe I met the chief, Ed 11:07:43AM
7 Paradiso, for a little -- a little while, but --
8 Q So at the time, Bop Golopi was a 11:07:50AM
9 sergeant and Paradiso was the chief?
10 A No, I think Bob was just a police 11:07:57AM
11 officer at the time.
12 Q What do you mean by just a police 11:07:59AM
13 officer?
14 A I don't think he was a sergeant at the 11:08:01AM
15 time when I first met him.
16 Q At some point, he was elevated to 11:08:06AM
17 sergeant?
18 A Yes. 11:08:09AM
19 Q Did he have to go through any tests to 11:08:09AM
20 be elevated to sergeant?
21 MR. NOVIKOFF: Objection. 11:08:14AM
22 A I don't know what he did at that time. 11:08:14AM
23 Q Do you know whether it was a 11:08:18AM
24 requirement to go through any tests at that time
25 to be elevated to sergeant?
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1 GEORGE HESSE
2 MR. NOVIKOFF: Objection. 11:08:23AM
3 A At that time, I don't know. 11:08:24AM
4 Q Was there a sergeant at the time you 11:08:27AM
5 interviewed?
6 A That I was aware of at that time? 11:08:30AM
7 Q Yes. 11:08:33AM
8 A No. 11:08:33AM
9 Q So you interviewed with Golopi and 11:08:38AM
10 Paradiso. Did you interview with anyone else?
11 A No. 11:08:43AM
12 Q And who offered you the job? 11:08:43AM
13 A I believe I received a phone call from 11:08:46AM
14 Bob Golopi that said they were going to accept
15 my application and sponsor me to go to the
16 police academy.
17 Q Did you have any jobs prior to that, 11:08:57AM
18 outside of law enforcement?
19 A Yes. 11:09:02AM
20 Q What did you do just prior to starting 11:09:02AM
21 the academy?
22 A I worked in a delicatessen. 11:09:08AM
23 Q Did you apply for a certain position 11:09:11AM
24 at Ocean Beach?
25 A I believe it was just seasonal police 11:09:23AM
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1 GEORGE HESSE
2 officer.
3 Q And were you hired for a seasonal 11:09:30AM
4 police officer position?
5 A Yes. 11:09:33AM
6 Q What's your understanding of what a 11:09:35AM
7 seasonal police officer is?
8 A The classification of a seasonal 11:09:39AM
9 police officer is a police officer that works
10 between the time frame of two weeks prior to
11 Memorial Day to two weeks after Labor Day.
12 Q And that's the job that you had when 11:09:50AM
13 you were first were hired there?
14 A That's what I was told, yes. 11:09:54AM
15 Q So you graduated the academy. Did you 11:09:55AM
16 have to take any other tests before you were
17 able to be certified as a police officer?
18 A Just what the academy provided. 11:10:03AM
19 Q And what were the tests in the 11:10:04AM
20 academy?
21 A At the time, I believe there was -- 11:10:08AM
22 there's a battery of tests. You have a laws of
23 arrest test. You had a search and seizure test.
24 You have a deadly physical force test that you
25 have to pass. Then I believe at the time we
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1 GEORGE HESSE
2 only had three comp tests that included just
3 everything to do with anything from penal law to
4 criminal procedure law, physical -- some
5 physical training. Just had to pass a battery
6 of tests.
7 Q Did you have to pass any tests 11:10:40AM
8 administered by Suffolk County Civil Service?
9 A Prior to going to the academy, yes. 11:10:46AM
10 Q What did you have to pass prior to 11:10:49AM
11 going to the academy?
12 A Physical agility, a medical and a 11:10:52AM
13 psychological.
14 Q Did you have to take a polygraph? 11:10:59AM
15 A At that time, no, it wasn't a 11:11:01AM
16 requirement.
17 Q So which of those three tests did you 11:11:03AM
18 take first, the agility, medical or
19 psychological?
20 A Oh, I don't recall. 11:11:09AM
21 Q Did you pass the psychological? 11:11:11AM
22 A Yes. 11:11:13AM
23 Q First time you took it? 11:11:14AM
24 A Yes. 11:11:15AM
25 Q Did you pass the medical? 11:11:15AM
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1 GEORGE HESSE
2 A Yes. 11:11:16AM
3 Q First file you took it? 11:11:17AM
4 A Yes. 11:11:18AM
5 Q Did you pass the agility? 11:11:18AM
6 A Yes. 11:11:20AM
7 Q The first time you took it? 11:11:20AM
8 A Yes. 11:11:22AM
9 Q What's your understanding of the 11:11:33AM
10 purpose of having to take an agility test?
11 MR. NOVIKOFF: Objection. 11:11:40AM
12 A Purpose? I don't understand the 11:11:41AM
13 question.
14 Q Who requires you to take a physical 11:11:45AM
15 agility test prior to going to the academy?
16 MR. NOVIKOFF: Objection. 11:11:50AM
17 A I believe it's Civil Service. 11:11:50AM
18 Q Do you understand why you have to take 11:11:52AM
19 an agility test prior to going to the academy?
20 MR. CONNOLLY: Objection. 11:11:58AM
21 MR. NOVIKOFF: Objection. 11:11:58AM
22 A No, I don't. 11:11:59AM
23 Q Do you know the reason for it? 11:12:00AM
24 A No. 11:12:01AM
25 MR. NOVIKOFF: Objection. 11:12:03AM
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1 GEORGE HESSE
2 BY MR. GOODSTADT: 11:12:03AM
3 Q How about the medical test, do you 11:12:03AM
4 know the reason why you have to take a medical
5 test?
6 MR. NOVIKOFF: Objection. 11:12:07AM
7 A I guess they want to know if you're 11:12:07AM
8 physically able to handle the physical training
9 part of being a police officer. That I can
10 understand.
11 Q How about the psychological, do you 11:12:14AM
12 know why you need to take a psychological test
13 prior to going to the academy?
14 MR. NOVIKOFF: Objection. 11:12:21AM
15 MR. CONNOLLY: Objection. 11:12:21AM
16 A Well, as a police officer, I'm sure 11:12:22AM
17 you're going to see a lot of bad things. They
18 want to make sure you can handle it, I guess.
19 Q At the time, you didn't need a 11:12:29AM
20 polygraph; is that correct?
21 MR. NOVIKOFF: Objection. 11:12:29AM
22 A That's correct. 11:12:30AM
23 Q Did there come a point in time where a 11:12:29AM
24 polygraph was a requirement to be certified as a
25 police officer in Suffolk County?
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1 GEORGE HESSE
2 A I believe there was. 11:12:34AM
3 MR. NOVIKOFF: Objection. 11:12:39AM
4 MR. CALLAHAN: Objection. 11:12:43AM
5 MR. CONNOLLY: Wait a second before 11:12:44AM
6 you answer. This way, if anyone is going to
7 object, we can get it on the record.
8 BY MR. GOODSTADT: 11:13:11AM
9 Q At the time that you went to the 11:13:11AM
10 academy, there was no requirement from Suffolk
11 County Civil Service to take a polygraph,
12 correct?
13 MR. NOVIKOFF: Objection. 11:13:19AM
14 A Correct. 11:13:20AM
15 Q Did there come a point in time where 11:13:22AM
16 that requirement was put into place by Suffolk
17 County Civil Service?
18 MR. NOVIKOFF: Objection. 11:13:28AM
19 A I believe so. 11:13:29AM
20 Q Do you know when that happened? 11:13:30AM
21 A No. 11:13:33AM
22 Q Do you know approximately what year it 11:13:33AM
23 was?
24 A No. 11:13:35AM
25 Q Do you know the reason why a potential 11:13:36AM
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1 GEORGE HESSE
2 police officer needs to take a polygraph to be
3 certified in Suffolk County?
4 MR. CONNOLLY: Objection. 11:13:47AM
5 MR. NOVIKOFF: Objection. 11:13:48AM
6 A I don't know why. 11:13:49AM
7 Q Do you know whether those tests are 11:13:50AM
8 required by Civil Service law?
9 MR. NOVIKOFF: Objection. 11:13:54AM
10 A No. I don't know if they're required. 11:13:56AM
11 Q You don't know one way or the other? 11:13:57AM
12 A No. 11:14:00AM
13 Q How about a background test, did you 11:14:01AM
14 have to go through a background check?
15 A Yes. 11:14:05AM
16 Q Is that a Civil Service requirement? 11:14:06AM
17 MR. NOVIKOFF: Objection. 11:14:08AM
18 A You know, I don't know. 11:14:10AM
19 Q How about now? Do you know if a 11:14:12AM
20 background check is required to be certified as
21 a police officer in Suffolk County?
22 MR. NOVIKOFF: Objection. 11:14:21AM
23 MR. CALLAHAN: Objection. 11:14:22AM
24 A I don't know. 11:14:23AM
25 Q Have you ever worked any other jobs 11:14:28AM
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1 GEORGE HESSE
2 during your employment at Ocean Beach?
3 A Yes. 11:14:31AM
4 Q What other jobs have you worked while 11:14:32AM
5 employed as an Ocean Beach police officer?
6 A I worked part-time for the Town of 11:14:36AM
7 Islip with their harbor police unit.
8 Q When did you do that? 11:14:44AM
9 A I may have started there in '94 or '95 11:14:49AM
10 at some point, and then I took a leave of
11 absence for a little while from that job and
12 then I went back. I don't remember the exact
13 year I went back. I'd have to look at some
14 records or something.
15 Q Did you have any other jobs other than 11:15:13AM
16 for the part-time Town of Islip Harbor Police
17 job while you were employed by Ocean Beach?
18 A I worked with a local carpenter for a 11:15:21AM
19 little while in Ocean Beach.
20 Q Who was that? 11:15:25AM
21 A His name was Tommy or Thomas Nolter, 11:15:26AM
22 N-O-L-T-E-R.
23 Q What years did you do that? 11:15:32AM
24 A I believe it was '95 through '97. 11:15:35AM
25 Q Did he pay you to do that? 11:15:41AM
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1 GEORGE HESSE
2 Mr. Repp?
3 A Yes. 11:17:15AM
4 Q And what interaction did you have with 11:17:16AM
5 Mr. Repp?
6 A He was in charge of the village. 11:17:19AM
7 Q Do you recall Mr. Repp asked you for a 11:17:21AM
8 set of keys to the barracks?
9 A Yes, I do now. 11:17:27AM
10 Q What do you mean, you do now? 11:17:31AM
11 A I do remember having a slight incident 11:17:33AM
12 with him.
13 Q And what was the slight incident you 11:17:36AM
14 had?
15 A He wanted a key to the barracks, and I 11:17:38AM
16 refused to give him one.
17 Q Why? 11:17:44AM
18 A Because the chief wasn't there to 11:17:44AM
19 authorize me to give him a key.
20 Q How many times did he request a key? 11:17:50AM
21 A I don't recall. 11:17:52AM
22 Q Do you know whether he wrote you up 11:17:56AM
23 for that?
24 A Yes. 11:18:01AM
25 Q He did write you up? 11:18:02AM
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1 GEORGE HESSE
2 A Yes. 11:15:43AM
3 Q Did you pay taxes on that money? 11:15:44AM
4 A No, I believe it was cash. 11:15:46AM
5 Q I just want to -- just so I'm clear. 11:15:58AM
6 I know that it was cash, but did you declare it
7 on your tax returns that you made that cash?
8 A No. 11:16:07AM
9 Q How come? 11:16:07AM
10 MR. CONNOLLY: Objection. 11:16:08AM
11 You can answer. 11:16:10AM
12 A I don't recall why I didn't, but I 11:16:14AM
13 didn't.
14 Q Have you ever been disciplined in your 11:16:22AM
15 employment at Ocean Beach?
16 MR. NOVIKOFF: Objection. 11:16:26AM
17 A No. 11:16:27AM
18 Q Ever been suspended? 11:16:30AM
19 A No. 11:16:32AM
20 Q Do you know who F. Ethan Repp is? 11:16:33AM
21 A Yes. 11:16:39AM
22 Q Who is that? 11:16:39AM
23 A He was, I think, a superintendent of 11:16:40AM
24 the village for a short period.
25 Q Did you ever have any interaction with 11:17:13AM
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1 GEORGE HESSE
2 A Yes, he did. 11:18:03AM
3 Q So you -- do you consider that 11:18:04AM
4 discipline?
5 A Yes. 11:18:07AM
6 Q So going back to my question before, 11:18:08AM
7 you actually have been disciplined, correct?
8 A Yes. 11:18:13AM
9 Q Any other incidents of discipline 11:18:13AM
10 during your employment at Ocean Beach?
11 A Not that I recall. 11:18:17AM
12 MR. NOVIKOFF: Case is over. 11:18:25AM
13 MR. GOODSTADT: What was that? 11:18:26AM
14 MR. NOVIKOFF: I'm just talking to 11:18:28AM
15 Mike.
16 BY MR. GOODSTADT: 11:18:31AM
17 Q You were hired for a seasonal police 11:18:33AM
18 officer position, correct?
19 MR. NOVIKOFF: Objection. 11:18:38AM
20 A Originally, yes. 11:18:39AM
21 Q So at any point in time, did that 11:18:40AM
22 title change?
23 A Yes. 11:18:45AM
24 Q When did that title change for the 11:18:46AM
25 first time?
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1 GEORGE HESSE
2 A I believe it was November of '95. 11:18:48AM
3 Q And what did your seasonal title 11:18:53AM
4 change to in November of '95?
5 A Full-time police officer. 11:18:56AM
6 Q So how many seasons did you work as a 11:19:02AM
7 seasonal police officer?
8 A Two. 11:19:07AM
9 Q Did you work the off season during 11:19:07AM
10 those two years?
11 A Yes. 11:19:10AM
12 Q So were you a part-time police officer 11:19:11AM
13 at any point between the seasonal position when
14 you were first hired and the change to full-time
15 in '95?
16 MR. NOVIKOFF: Objection to form. 11:19:19AM
17 A Yes. 11:19:20AM
18 Q What did it change to, part-time? 11:19:21AM
19 A At that time, I didn't know. I just 11:19:25AM
20 continued service.
21 Q Was there a lieutenant for the 11:19:37AM
22 department at all during your employment there?
23 A No. 11:19:43AM
24 Q What paperwork did you fill out when 11:19:54AM
25 you first started working there in connection
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1 GEORGE HESSE
2 with your employment, when you first started
3 working at Ocean Beach or just prior to it?
4 A Paperwork? I believe there was some 11:20:08AM
5 kind of questionnaire I had to fill out, an
6 application.
7 Q Are you aware of something called the 11:20:13AM
8 Ocean Beach Police Department applicant
9 investigation section?
10 A Yeah, that would be me. 11:20:18AM
11 Q What is that? 11:20:20AM
12 A That was just some title that I gave 11:20:21AM
13 myself because we had -- I was dealing with
14 Suffolk County at that point to process new
15 applicants that were coming in.
16 Q When did you give yourself that title? 11:20:31AM
17 A I don't know the date. 11:20:34AM
18 Q Do you recall what year it was? 11:20:35AM
19 A Maybe 2005. 11:20:40AM
20 Q Was there an applicant investigation 11:20:44AM
21 section in Ocean Beach prior to you giving
22 yourself that title?
23 A No. 11:20:50AM
24 Q Did you have any training for that? 11:20:50AM
25 A No. 11:20:53AM
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1 GEORGE HESSE
2 Q Is that -- was that a Civil Service 11:20:55AM
3 title?
4 A No. 11:20:58AM
5 Q Did you ever alert anybody that you 11:20:59AM
6 gave yourself that title?
7 A No. 11:21:03AM
8 Q Did you -- did the Board of Trustees 11:21:06AM
9 in Ocean Beach pass any resolution awarding that
10 title?
11 A No. 11:21:12AM
12 MR. NOVIKOFF: Objection. 11:21:13AM
13 BY MR. GOODSTADT: 11:21:13AM
14 Q Why did you give yourself that title? 11:21:17AM
15 A Because I was the new applicant 11:21:19AM
16 investigation unit for the Ocean Beach Police
17 Department.
18 Q Well, who did the new applicant 11:21:24AM
19 investigations prior to you awarding yourself
20 that title?
21 A Suffolk County PD. 11:21:30AM
22 Q Did you alert the Suffolk County PD 11:21:32AM
23 that you now awarded yourself that title?
24 A No. 11:21:37AM
25 Q What were you investigating as the 11:21:39AM
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1 GEORGE HESSE
2 Ocean Beach Police Department applicant
3 investigation section?
4 A Just new police officers. 11:21:47AM
5 Q What did you do to investigate? 11:21:49AM
6 A I had them fill out a questionnaire. 11:21:52AM
7 It required a ton of documentation. I reviewed
8 the documents. I sent out letters to previous
9 employers that they had for responses to see
10 what their work -- you know, if they were in
11 good standing with their previous jobs. I had
12 to send out a mental health release form to the
13 New York State Department of Health Services to
14 see if they had any previous mental health
15 issues that would stop them from becoming a
16 police officer. I'm sure there's a lot of other
17 assorted things, but I don't have an application
18 in front of me to go through.
19 Q Where did you get the questionnaire 11:22:38AM
20 that you distributed to new applicants?
21 A Some of it was from Suffolk County PD 11:22:43AM
22 and their applicant investigation unit. They
23 sent me a copy. I went online. I found other
24 applications from other police departments that
25 I thought would help out in having people fill
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1 GEORGE HESSE
2 out these applications.
3 Q Did anyone from the county approve the 11:22:59AM
4 packet that you put together?
5 A No. 11:23:03AM
6 Q Did you create the questionnaire 11:23:03AM
7 packet?
8 A Yes. 11:23:06AM
9 Q Was it only distributed to new 11:23:08AM
10 applicants?
11 A Yes. 11:23:12AM
12 Q Did you do a criminal background 11:23:20AM
13 check?
14 A Yes. 11:23:22AM
15 Q Anything else other than what you 11:23:24AM
16 testified to and now the criminal background
17 check that you did to investigate new
18 applicants?
19 A I don't know. 11:23:32AM
20 Q Did people who previously worked at 11:23:40AM
21 Ocean Beach have to go through the applicant
22 investigation section?
23 A Current -- officers that were 11:23:47AM
24 currently employed?
25 Q Yes. 11:23:50AM
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1 GEORGE HESSE
2 A No. 11:23:50AM
3 Q Including full-time, part-time, 11:23:54AM
4 seasonal guys who had already been employed?
5 A There was only one that had to redo 11:24:00AM
6 his application.
7 Q Who was that? 11:24:04AM
8 A Ty Bacon. 11:24:05AM
9 Q Why did he have to redo the 11:24:05AM
10 application?
11 A Because I believe Civil Service had 11:24:08AM
12 made a mistake with his certification to be a
13 police officer in Suffolk County, and they
14 required that he had to take the battery of
15 tests that are required before employment.
16 Q Did Gary Bosetti have to fill it out? 11:24:27AM
17 A Yes. 11:24:29AM
18 Q How come? 11:24:30AM
19 A Technically, he was a new hire, and he 11:24:31AM
20 had to take the polygraph. The polygraph is
21 based on the application.
22 Q What do you mean by technically he was 11:24:40AM
23 a new hire?
24 A Because he was hired by the village, 11:24:42AM
25 and apparently there was some sort of confusion
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1 GEORGE HESSE
2 with his status to become a police officer
3 within Suffolk County; and in order to get
4 through Suffolk County Civil Service's battery
5 of tests, he had to fill out this application.
6 Q Do you know when that was? 11:25:01AM
7 A It might have been 2005. 11:25:02AM
8 Q But he had worked there prior to 2005, 11:25:03AM
9 right?
10 A Yes. 11:25:06AM
11 Q So he had worked there prior to 11:25:06AM
12 passing the battery of tests?
13 A Yes. 11:25:10AM
14 Q Anyone else fit that same category of 11:25:10AM
15 people who had worked there prior but still
16 needed to fill out your applicant investigation
17 section report?
18 A Yes. 11:25:19AM
19 Q Who else what was that? 11:25:19AM
20 A I believe there was Rich Bosetti, 11:25:21AM
21 Tommy Shaw. I already mentioned Ty Bacon. Who
22 else at that time? There was someone that --
23 oh, John Dyer. What was his name? There was a
24 gentleman that retired from New York City PD as
25 a lieutenant. I can't think of his name. Maybe
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1 GEORGE HESSE
2 there was Pat Cherry also, but he chose not to
3 resume as a police officer with Ocean Beach.
4 Q Pat Cherry, Sr.? 11:26:09AM
5 A Correct. 11:26:11AM
6 Q There was one other you said? 11:26:11AM
7 A Yeah. I can't think of his name. 11:26:13AM
8 Q Is there anything that would help 11:26:14AM
9 refresh your recollection?
10 A I'm sure you have a list of every 11:26:18AM
11 police officer that worked in Ocean Beach. If
12 you give me the list, I'm sure I can find it.
13 Q We'll give you the list in a bit. 11:26:26AM
14 A Excuse me. 11:26:28AM
15 Q Does a police officer have to graduate 11:26:34AM
16 the academy prior to being certified to be a
17 police officer?
18 MR. NOVIKOFF: Objection. 11:26:40AM
19 A To my recollection, there are some 11:26:43AM
20 technicalities with that.
21 Q What are the technicalities? 11:26:47AM
22 A I believe you could be hired as a 11:26:48AM
23 police officer, but within that calendar year at
24 some point you have to graduate a police
25 academy.
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1 GEORGE HESSE
2 Q Okay. Any other technicalities? 11:26:57AM
3 A Not that I'm aware of. 11:26:59AM
4 Q Does it have to be the Suffolk County 11:27:00AM
5 police academy?
6 A No. 11:27:03AM
7 Q So it can be New York City police 11:27:03AM
8 academy?
9 A Correct. 11:27:06AM
10 Q It could be Nassau County police 11:27:07AM
11 academy?
12 A Correct. 11:27:11AM
13 Q Are there different radio codes in New 11:27:11AM
14 York City than Suffolk County?
15 MR. CONNOLLY: What time frame? 11:27:17AM
16 MR. GOODSTADT: Any point in time. 11:27:18AM
17 A Yes. 11:27:19AM
18 Q So why don't we focus on 2002 to 2006. 11:27:19AM
19 Were there different radio codes?
20 A I believe so. 11:27:23AM
21 Q Do the officers in Ocean Beach need to 11:27:25AM
22 know the Suffolk County radio codes?
23 A They should be aware of them, yes. 11:27:29AM
24 Q It's important that they're aware of 11:27:31AM
25 them?
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1 GEORGE HESSE
2 A Yeah, to a point. 11:27:33AM
3 Q Do you think it's important to the 11:27:35AM
4 public safety that the police officers are aware
5 of the radio codes?
6 MR. NOVIKOFF: Objection to the form. 11:27:40AM
7 I don't know what you mean by public safety.
8 Are you using it in the context of a 740
9 claim or just a general definition?
10 MR. GOODSTADT: Both. 11:27:49AM
11 MR. NOVIKOFF: Objection to form. 11:27:50AM
12 A Repeat the question. 11:27:51AM
13 MR. NOVIKOFF: Calls for a legal 11:27:53AM
14 conclusion as well.
15 BY MR. GOODSTADT: 11:27:55AM
16 Q Do you think it's important to the 11:27:55AM
17 public's safety that police officers in Ocean
18 Beach know the radio codes?
19 MR. NOVIKOFF: Note my objection. 11:28:01AM
20 A I think they should be familiarized 11:28:02AM
21 with them, yes.
22 Q Do you think it's important to public 11:28:05AM
23 safety?
24 MR. NOVIKOFF: Note my objection. 11:28:06AM
25 A It's not detrimental, no. 11:28:07AM
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1 GEORGE HESSE
2 Q It's not detrimental to public safety 11:28:09AM
3 for police officers --
4 A No. 11:28:13AM
5 Q You don't think it's detrimental to 11:28:13AM
6 the public's safety if police officers don't
7 know the radio codes that are being addressed to
8 them?
9 MR. NOVIKOFF: Objection to the form 11:28:22AM
10 of the question.
11 BY MR. GOODSTADT: 11:28:23AM
12 Q Is that your testimony? 11:28:24AM
13 A There's more to it, but yeah. 11:28:25AM
14 Q What do you mean there's more to it? 11:28:27AM
15 A Because since 2001, FEMA has 11:28:29AM
16 established the plain-talk doctrine since 2001.
17 You say the 10 code or any code, and then you
18 say what the actual call is.
19 Q And that's in place in Ocean Beach? 11:28:46AM
20 A That's in place, correct. 11:28:48AM
21 Q What's the sense of having a radio 11:28:55AM
22 code if you're doing the public talk now?
23 MR. NOVIKOFF: Objection to the form 11:28:59AM
24 of the question.
25 MR. CONNOLLY: Objection. You can 11:29:02AM
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1 GEORGE HESSE
2 answer.
3 A Repeat that. 11:29:05AM
4 Q Yeah. Why would you need a radio code 11:29:06AM
5 if you have a public-talk doctrine?
6 MR. NOVIKOFF: Objection to the form. 11:29:13AM
7 A To tell you the truth, at this point I 11:29:14AM
8 don't know why.
9 Q At any point in time, did you know 11:29:17AM
10 why?
11 MR. NOVIKOFF: Objection to form. 11:29:20AM
12 A I have an opinion. 11:29:21AM
13 Q What's your opinion? 11:29:22AM
14 A My opinion was it's to shorten 11:29:23AM
15 communications on the radio.
16 Q I'm saying if you have -- why would 11:29:26AM
17 you still need radio codes since 2001 if you're
18 required to also say public talk?
19 MR. NOVIKOFF: Objection as to form. 11:29:37AM
20 Foundation.
21 MR. CONNOLLY: Objection. 11:29:39AM
22 A I don't know. 11:29:40AM
23 MR. GOODSTADT: And when I say "public 11:29:42AM
24 talk," I mean plain talk. I don't know if
25 that's the basis of the objection. That's
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1 GEORGE HESSE
2 what I mean.
3 BY MR. GOODSTADT: 11:29:49AM
4 Q I'm assuming you know understood what 11:29:49AM
5 I meant, correct?
6 MR. CONNOLLY: Why don't we repeat the 11:29:52AM
7 question using plain talk.
8 A I don't recall. 11:29:56AM
9 Q Since 2001, there's a plain talk 11:29:57AM
10 doctrine, correct?
11 A Yes. 11:30:01AM
12 Q So when a radio code is sent over the 11:30:01AM
13 radio, they say, you know, 10/1 officer in need
14 of -- you know, officer's life in danger. Is
15 that what they say, something like that?
16 MR. NOVIKOFF: Objection. 11:30:14AM
17 BY MR. GOODSTADT: 11:30:15AM
18 Q Is that what you mean by public talk? 11:30:16AM
19 MR. NOVIKOFF: Objection. 11:30:19AM
20 A I think everybody knows what a 10/1 11:30:19AM
21 is. I don't care where you come from. But you
22 could tell from somebody's tone of voice on the
23 radio that they need assistance.
24 Q What do you mean by everyone knows 11:30:31AM
25 what a 10/1 is?
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1 GEORGE HESSE
2 over the radio include both the code and the
3 plain talk?
4 A Yes. 11:31:37AM
5 MR. NOVIKOFF: Objection. Is the 11:31:38AM
6 question is that a requirement or does he
7 know if every single one that has been
8 transmitted even outside his presence had
9 that?
10 BY MR. GOODSTADT: 11:31:46AM
11 Q Well, have you ever heard one that was 11:31:47AM
12 transmitted without the plain talk?
13 A No. 11:31:51AM
14 Q Just going back. You don't recall 11:31:55AM
15 Nofi complaining to you that Hardman didn't
16 respond to his 10/1?
17 MR. CONNOLLY: Objection. 11:32:02AM
18 A No. 11:32:02AM
19 MR. NOVIKOFF: Just note my objection 11:32:08AM
20 to that last question.
21 BY MR. GOODSTADT: 11:32:22AM
22 Q We discussed before that there was a 11:32:23AM
23 battery of tests that you have to pass before
24 going to the police academy to be certified as a
25 police officer.
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1 GEORGE HESSE
2 A Everybody knows what a 10/1 is on this 11:30:34AM
3 job.
4 Q Isn't it true that Arnold Hardman 11:30:38AM
5 failed to respond to a 10/1 by Nofi?
6 MR. NOVIKOFF: Objection. Leading. 11:30:46AM
7 Foundation. Form.
8 A No. 11:30:50AM
9 Q It's not true? 11:30:51AM
10 A I don't believe so. 11:30:53AM
11 Q Nofi never complained to you that 11:30:57AM
12 Hardman didn't know what the code was, he
13 thought it was a threat to him?
14 MR. NOVIKOFF: Objection. Leading. 11:31:05AM
15 Form.
16 A No. 11:31:06AM
17 Q Since 2001 in Ocean Beach, do all 11:31:12AM
18 radio codes that have been sent out over the
19 radio include the code and then the plain talk?
20 MR. NOVIKOFF: Objection. Form. 11:31:21AM
21 Foundation.
22 A Repeat the question, please. 11:31:23AM
23 Q Yeah. Since 2001, when FEMA put in 11:31:25AM
24 their plain talk doctrine, do all radio codes
25 that are sent to the Ocean Beach police officers
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1 GEORGE HESSE
2 Who in Ocean Beach since 2000 has been 11:32:30AM
3 charged with ensuring that the officers who are
4 hired have actually passed those tests?
5 MR. NOVIKOFF: Objection. Foundation. 11:32:39AM
6 Form.
7 MR. CONNOLLY: Time frame. 11:32:43AM
8 A Since 2000? 11:32:45AM
9 Q Since 2000, that's the time frame. 11:32:45AM
10 A Since 2000 till the present? 11:32:48AM
11 Q Yes. 11:32:50AM
12 A From 2000 through 2006 would be Ed 11:32:51AM
13 Paradiso. From 2006 till present would be me.
14 MR. GOODSTADT: Okay, we can -- 11:32:59AM
15 THE VIDEOGRAPHER: That the is end of 11:33:01AM
16 Tape Number 1.
17 The time is now 11:33 a.m. We are now 11:33:03AM
18 off the record.
19 (Whereupon, a discussion was held off 11:33:07AM
20 the record.)
21 THE VIDEOGRAPHER: This is the start 11:49:25AM
22 of Tape Number 2.
23 The time is now 11:49 a.m. We are now 11:49:27AM
24 back on the record.
25
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1 GEORGE HESSE
2 BY MR. GOODSTADT: 11:49:31AM
3 Q Sir, before we went off the record, 11:49:31AM
4 I'd asked you a question about jobs that you had
5 while you were employed by Ocean Beach, and you
6 told me about a harbor job and you told me about
7 a job with a carpenter, correct?
8 A Yes. 11:49:46AM
9 Q Did you also work for Ian Levine at 11:49:47AM
10 Sky Cable?
11 A Yes. 11:49:51AM
12 Q And when did you work for Ian Levine 11:49:51AM
13 at Sky Cable?
14 A I believe I worked for him from -- I'm 11:50:00AM
15 really going to be guessing, but maybe '97
16 through a little bit of 2000. I'm not real sure
17 exactly what the dates are.
18 Q And did he pay you for that work? 11:50:18AM
19 A Yes. 11:50:19AM
20 Q Did you pay taxes on the pay that you 11:50:20AM
21 received from Mr. Levine?
22 A No. 11:50:24AM
23 Q So he paid you cash as well? 11:50:24AM
24 A Yes. 11:50:26AM
25 Q And you didn't declare that on your 11:50:26AM
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1 GEORGE HESSE
2 income tax returns?
3 A No. 11:50:29AM
4 Q How come? 11:50:30AM
5 A Just didn't. 11:50:32AM
6 MR. NOVIKOFF: Objection. 11:50:35AM
7 BY MR. GOODSTADT: 11:50:36AM
8 Q So other than for the Sky Cable job, 11:50:39AM
9 the carpenter job and the harbor job, did you
10 have any other jobs while you were employed by
11 Ocean Beach?
12 A In the beginning, I worked for the 11:50:48AM
13 deli, I guess from '93 to -- from '93 to
14 somewhere in '95 maybe.
15 Q That same deli you had worked at 11:50:59AM
16 beforehand?
17 A I worked at a couple of different 11:51:02AM
18 delis, yes.
19 Q Is Ian Levine a resident of Ocean 11:51:10AM
20 Beach?
21 MR. NOVIKOFF: Objection. Form. 11:51:13AM
22 Foundation.
23 A Yes. 11:51:15AM
24 Q Where is his home or property? 11:51:16AM
25 A I'm trying to think of the exact 11:51:23AM
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1 GEORGE HESSE
2 address. He owns a home with his wife on Ocean
3 Breeze. I don't know the exact address.
4 Q Have you ever been to his home? 11:51:33AM
5 A Yes. 11:51:35AM
6 Q Does he live there full time in Ocean 11:51:36AM
7 Beach?
8 A He does, yes. 11:51:39AM
9 Q How many times have you been to his 11:51:40AM
10 house?
11 A Numerous times. 11:51:45AM
12 Q Ever been there on non-police 11:51:47AM
13 business?
14 A Yes. 11:51:50AM
15 Q Social visits? 11:51:51AM
16 A Once or twice, yes. 11:51:52AM
17 Q Are you friends with Ian Levine? 11:51:54AM
18 A We're acquaintances. 11:51:58AM
19 Q Now, you testified before about your 11:52:01AM
20 harbor job. Who did you report to in your
21 harbor job?
22 A Al Loeffler. He was the chief. 11:52:06AM
23 Q He was the chief. What was the title 11:52:09AM
24 there?
25 MR. NOVIKOFF: His title or 11:52:12AM
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1 GEORGE HESSE
2 Mr. Loeffler's?
3 BY MR. GOODSTADT: 11:52:15AM
4 Q What was Mr. Loeffler's title there? 11:52:15AM
5 A He was chief, but his exact Civil 11:52:18AM
6 Service title, I don't know.
7 Q But you called him chief? 11:52:21AM
8 A I called him chief on occasion, yes. 11:52:23AM
9 Q You reported to him at that job? 11:52:29AM
10 A Yes. 11:52:32AM
11 Q Did he work as a police officer on 11:52:32AM
12 Ocean Beach at any time?
13 A Yes. 11:52:36AM
14 Q When did he work as an officer on 11:52:37AM
15 Ocean Beach?
16 A From 1973 till maybe 2002 or '3 or '4. 11:52:40AM
17 I don't know.
18 Q Did he report to you in his job as a 11:52:54AM
19 police officer in Ocean Beach?
20 A At some point, yes. 11:52:59AM
21 Q At the same time you had the harbor 11:53:01AM
22 job and you were reporting to him, was he also
23 reporting to you in the beach job?
24 A There was a time, yes. 11:53:09AM
25 Q Is he related to Mayor Joe Loeffler at 11:53:10AM
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1 GEORGE HESSE
2 all?
3 A Yes. 11:53:14AM
4 Q What's the relationship? 11:53:15AM
5 A Brothers. 11:53:17AM
6 Q And how long did you work the harbor 11:53:24AM
7 job? When did you stop working there?
8 A I believe I started somewhere around 11:53:28AM
9 the end of '94, maybe somewhere in '95. I
10 worked maybe two, three years, at the most.
11 Then I took a leave for some time, and then I
12 went back maybe 2002. I'm not real sure.
13 Q 2002 until when? 11:53:52AM
14 A Until I got indicted. 11:53:53AM
15 Q And what happened when you got 11:54:00AM
16 indicted?
17 A March 27th, I got a phone call from 11:54:03AM
18 Bob Scroi, and I was told I was suspended.
19 Q Who is Bob Scroi? 11:54:10AM
20 A He is now the current chief of the 11:54:12AM
21 Islip harbor police.
22 Q When did Allen Loeffler stop being the 11:54:16AM
23 chief?
24 A It's possible 2005. 11:54:20AM
25 Q After he had left the Ocean Beach 11:54:24AM
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1 GEORGE HESSE
2 police force?
3 A He may have stayed on for a short 11:54:28AM
4 period after he left the town job. I really
5 don't know.
6 Q Who is Bob Scroi? Is that the name 11:54:39AM
7 you used?
8 A Uh-huh. 11:54:44AM
9 Q Who is he? 11:54:44AM
10 A He's the chief of the Islip harbor 11:54:44AM
11 police now.
12 Q And he told you that you were 11:54:47AM
13 suspended when you got indicted?
14 A Yes. 11:54:51AM
15 Q Are you still currently suspended? 11:54:51AM
16 A Yes. 11:54:53AM
17 Q Have you applied to get the job back 11:54:54AM
18 there at the harbor?
19 A We've spoken about it, yes. 11:54:58AM
20 Q You spoke to who about it? 11:55:01AM
21 A Bob Scroi. 11:55:03AM
22 Q What was the substance of the 11:55:04AM
23 conversation?
24 A He is -- he said he was looking into 11:55:06AM
25 it. I believe public safety just got a new
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1 GEORGE HESSE
2 commissioner; and I met the commissioner, and we
3 just talked about possibly coming back. Nothing
4 solid, but we talked about possibly coming back
5 to work.
6 Q Has a decision been made one way or 11:55:23AM
7 the other?
8 MR. NOVIKOFF: Objection. 11:55:28AM
9 A Not that I'm aware of. 11:55:29AM
10 Q Did you fill out any paperwork to get 11:55:30AM
11 the job back?
12 A No. 11:55:33AM
13 Q I just want to go back to the FEMA 11:55:34AM
14 doctrine, because I was a little bit confused as
15 to what it was. The FEMA doctrine, the plain --
16 what is it, the plain talk?
17 A It's the plain-talk doctrine. 11:55:43AM
18 Q The plain-talk doctrine? 11:55:45AM
19 A Uh-huh. 11:55:48AM
20 Q Is that -- the plain-talk doctrine, 11:55:48AM
21 does that apply to interagency transmissions or
22 is that also within an agency that the
23 plain-talk doctrine applies to?
24 MR. NOVIKOFF: Objection to form. 11:56:00AM
25 A It's my understanding it applies to 11:56:00AM
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1 GEORGE HESSE
2 all jobs now.
3 Q And when did it apply to all jobs? 11:56:03AM
4 When did that start?
5 MR. NOVIKOFF: Objection to form. 11:56:07AM
6 A I don't know the exact date. 11:56:08AM
7 Q Had it always applied to all jobs? 11:56:10AM
8 MR. NOVIKOFF: Objection. 11:56:13AM
9 A Not that I'm aware of. 11:56:14AM
10 Q Well, I guess I'm trying to just get a 11:56:18AM
11 timeline.
12 It was put in sometime after 11:56:21AM
13 September 11th, correct?
14 A Correct. 11:56:25AM
15 Q 2001? 11:56:26AM
16 A Correct. 11:56:26AM
17 Q Then when it was first put in, did it 11:56:27AM
18 apply to all jobs or did it originally just
19 apply interagency?
20 A I don't know. 11:56:36AM
21 Q And when Suffolk County would relay a 11:56:39AM
22 code over the radio since 2001 to Ocean Beach
23 radios, they gave the code and plain talk or
24 just the code?
25 MR. NOVIKOFF: Objection. Form. 11:56:53AM
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1 GEORGE HESSE
2 Foundation.
3 A They do now. 11:56:59AM
4 Q When did that start? 11:57:00AM
5 MR. NOVIKOFF: Objection. 11:57:02AM
6 A I don't recall. 11:57:03AM
7 Q Was it within the last year? 11:57:04AM
8 MR. NOVIKOFF: Objection. 11:57:06AM
9 A I don't recall. 11:57:09AM
10 Q How about in '02, did they do it in 11:57:09AM
11 '02?
12 MR. NOVIKOFF: Objection. 11:57:13AM
13 A I don't know. 11:57:13AM
14 Q '03? 11:57:14AM
15 MR. NOVIKOFF: Objection. 11:57:15AM
16 A I don't know. 11:57:16AM
17 Q '04? 11:57:16AM
18 MR. NOVIKOFF: Objection. 11:57:18AM
19 A I don't know. 11:57:18AM
20 Q When you sent a code over the radio in 11:57:19AM
21 '02, did you do the radio code and the plain
22 talk or just the radio code?
23 A As far back as I can remember in Ocean 11:57:30AM
24 Beach, we've always put a 10 code over and
25 pretty much said what it was afterwards, so --
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1 GEORGE HESSE
2 Q What do you mean by "pretty much"? 11:57:40AM
3 A It's pretty much been that way for a 11:57:42AM
4 long time for Ocean Beach.
5 Q How long is a long time? 11:57:45AM
6 A It could be from the beginning of when 11:57:49AM
7 I started working there.
8 Q Okay. Have you ever transmitted a 10 11:57:53AM
9 code without plain talk?
10 A Yeah. Sure. 11:58:00AM
11 Q Since 2001? 11:58:01AM
12 A Sure. 11:58:02AM
13 Q Were you in violation of the FEMA 11:58:05AM
14 doctrine?
15 A I may have been. 11:58:07AM
16 Q But you don't know one way or of the 11:58:09AM
17 other?
18 A No. 11:58:11AM
19 Q And before, I think you defined what a 11:58:13AM
20 seasonal police officer was in Suffolk County.
21 Could you define what a part-time police officer
22 is in Suffolk County?
23 MR. CALLAHAN: Objection to form. 11:58:24AM
24 MR. NOVIKOFF: Objection. 11:58:26AM
25 MR. CONNOLLY: Objection. 11:58:26AM
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1 GEORGE HESSE
2 A Can I answer? 11:58:29AM
3 MR. CONNOLLY: Yes. 11:58:30AM
4 A Part-time status, it could be year 11:58:33AM
5 round. It could be -- you know, this is not my
6 definition, but it's the definition, I believe,
7 that Civil Service puts out. It's my
8 understanding that a part-time police officer
9 does not work more than 20 hours a week. It
10 could be year round or it could be from two
11 weeks after Labor Day to two weeks prior to
12 Memorial Day.
13 Q Can a seasonal officer work after the 11:58:59AM
14 period two weeks after Labor Day through the
15 period of two weeks before Memorial Day, meaning
16 in the off season?
17 A No. 11:59:09AM
18 MR. NOVIKOFF: Objection to the form 11:59:10AM
19 of that question.
20 BY MR. GOODSTADT: 11:59:12AM
21 Q So was Ed Carter a part-time officer 11:59:12AM
22 or a seasonal officer?
23 MR. CONNOLLY: When? 11:59:16AM
24 MR. GOODSTADT: At any point in time 11:59:17AM
25 during his employment.
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1 GEORGE HESSE
2 MR. NOVIKOFF: Objection. 11:59:21AM
3 A I don't know. 11:59:21AM
4 Q Well, did Ed ever work on the off 11:59:23AM
5 season --
6 A Sure. 11:59:27AM
7 Q -- based on the definition we had? 11:59:27AM
8 So he couldn't have been a seasonal 11:59:29AM
9 officer, according to your definition and
10 understanding, correct? So the fact that he
11 worked -- the fact that he worked during the off
12 season based on the definition that you've given
13 us, he couldn't have been a seasonal officer,
14 correct? He had to have been part-time?
15 MR. NOVIKOFF: Objection to form. 11:59:49AM
16 A His title is not controlled by me, so 11:59:49AM
17 I don't know what his title was.
18 Q Well, his title is controlled by what? 11:59:54AM
19 MR. NOVIKOFF: Objection to form. 11:59:57AM
20 Calls for a legal conclusion.
21 BY MR. GOODSTADT: 12:00:01PM
22 Q What's your understanding of what his 12:00:01PM
23 title is controlled by?
24 MR. NOVIKOFF: Objection to form. 12:00:05PM
25 A Well, my understanding is that the 12:00:06PM
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1 GEORGE HESSE
2 village, the village office, somebody within the
3 village office has to fill out some sort of
4 documentation changing his status or any
5 officer's status.
6 Q Just for your understanding, if he was 12:00:23PM
7 working in the off season, then he couldn't have
8 been properly classified as a seasonal officer;
9 is that your understanding?
10 MR. NOVIKOFF: Objection. 12:00:35PM
11 A His classification could have been 12:00:42PM
12 still seasonal. I really don't know.
13 Q But then he's working outside of 12:00:46PM
14 class, correct?
15 MR. NOVIKOFF: Objection. 12:00:50PM
16 A Oh, yeah. Yes. 12:00:51PM
17 Q So just so I'm clear. I just want to 12:00:54PM
18 make sure I'm clear in my understanding. So
19 either he was classified as part-time or he was
20 misclassified if he was classified as seasonal,
21 correct?
22 MR. NOVIKOFF: Objection to form. 12:01:05PM
23 MR. CALLAHAN: Objection to form. 12:01:07PM
24 MR. CONNOLLY: Objection. 12:01:08PM
25 A Yes. 12:01:08PM
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1 GEORGE HESSE
2 Q Is one of the reasons why you used 12:01:57PM
3 Ocean Beach as your address to get onto that
4 preferred list?
5 MR. NOVIKOFF: Objection. 12:02:04PM
6 A At the time, yes. 12:02:05PM
7 Q How long did you hold the title of 12:02:15PM
8 full-time police officer?
9 A From November of '95 till present. 12:02:21PM
10 Q So your title is police officer? 12:02:30PM
11 A Correct. 12:02:31PM
12 Q That's the same title Ed Carter had 12:02:32PM
13 when he worked there?
14 MR. NOVIKOFF: Objection. 12:02:36PM
15 A No. 12:02:36PM
16 Q He wasn't a police officer? 12:02:37PM
17 A Yes. 12:02:38PM
18 Q Well, you're full-time, he's 12:02:40PM
19 part-time?
20 A That's correct. 12:02:43PM
21 MR. NOVIKOFF: Objection. 12:02:44PM
22 BY MR. GOODSTADT: 12:02:44PM
23 Q And you had the same title as the 12:02:45PM
24 other full-time police officers in Ocean Beach?
25 A Yes. 12:02:49PM
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1 GEORGE HESSE
2 Q Okay. So there came a point in time 12:01:09PM
3 that you testified you became a full-time
4 officer, correct?
5 A Yes. 12:01:18PM
6 Q Was there any kind of canvass letter 12:01:19PM
7 or list that you had to come off of to get that
8 position?
9 A Yes. 12:01:24PM
10 Q And you were on the Ocean Beach list; 12:01:25PM
11 is that how it works?
12 A It's a preferred list, yes. 12:01:29PM
13 Q What do you mean by "preferred list"? 12:01:30PM
14 A It's a residents list. 12:01:32PM
15 Q So the residents of Ocean Beach get 12:01:38PM
16 preference over other people who may be
17 eligible?
18 A Yes. 12:01:44PM
19 Q Is that one of the reasons why you use 12:01:45PM
20 the Ocean Beach residence as an address?
21 MR. NOVIKOFF: Objection. Asked and 12:01:51PM
22 answered in the first 10 minutes of the
23 deposition.
24 MR. CONNOLLY: Objection. 12:01:54PM
25 A Repeat the question. 12:01:56PM
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1 GEORGE HESSE
2 Q Did you ever get the title of 12:02:50PM
3 sergeant?
4 A Yes. 12:02:52PM
5 Q When was that? 12:02:52PM
6 A I believe in 2001. 12:02:53PM
7 Q When did you first request the title 12:02:55PM
8 of sergeant?
9 A Maybe in 1999. 12:03:04PM
10 Q And how did you go about requesting 12:03:05PM
11 the title of sergeant?
12 A I believe I wrote a memo to Ed 12:03:09PM
13 Paradiso.
14 Q When was the last time you looked at 12:03:12PM
15 that memo?
16 A I may have looked at it yesterday. I 12:03:19PM
17 didn't read it. I just kind of looked at it. I
18 just knew what it was.
19 Q To prepare for today's deposition, you 12:03:24PM
20 looked at it?
21 A Yes. 12:03:27PM
22 Q Where did you look at it? 12:03:27PM
23 A In Mr. Connolly's office in 12:03:28PM
24 Westchester.
25 MR. GOODSTADT: Please mark that as 12:03:37PM
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1 GEORGE HESSE
2 Hesse 1.
3 (Whereupon, Bates document 3856 was 12:03:40PM
4 marked as Plaintiff's Exhibit 1 for
5 identification, as of this date.)
6 MR. NOVIKOFF: This is Hesse 1? 12:04:09PM
7 MR. GOODSTADT: It is. 12:04:10PM
8 I've placed in front of Mr. Hesse 12:04:15PM
9 what's now been marked as Hesse 1. It's a
10 one-page exhibit bearing Bates No. 3856.
11 (Handing.)
12 BY MR. GOODSTADT: 12:04:22PM
13 Q Mr. Hesse, is this the memo that 12:04:22PM
14 you're referring to that you wrote to Paradiso
15 in '99?
16 A I believe so. 12:04:31PM
17 Q Is that your signature on the bottom? 12:04:31PM
18 A Yes. 12:04:33PM
19 Q And do you see on the bottom under 12:04:33PM
20 your typed signature line it says "PO103." what
21 does that stand for?
22 A Police officer. 12:04:40PM
23 Q Right. 12:04:43PM
24 A Then my shield number is 103. 12:04:43PM
25 Q And what is the slash 8900? 12:04:45PM
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1 GEORGE HESSE
2 A And that would be our command number. 12:04:48PM
3 Q What do you mean by command number? 12:04:50PM
4 A It's a number designating our police 12:04:52PM
5 department within the County of Suffolk.
6 Q And you see the CC on the bottom, 12:04:58PM
7 Chief Paradiso correspondence file and original
8 to your personnel file.
9 Do you see that? 12:05:04PM
10 A Yes. 12:05:05PM
11 Q Do you know who wrote that? 12:05:05PM
12 A No. 12:05:06PM
13 Q That's not your handwriting? 12:05:07PM
14 A No. 12:05:08PM
15 Q And then you see a stamp on the bottom 12:05:09PM
16 that says "Received February 18th, 1999."
17 Do you see that? 12:05:13PM
18 A Yes. 12:05:14PM
19 Q Do you know who stamped that? 12:05:14PM
20 A No. 12:05:16PM
21 Q How did you deliver this to the chief? 12:05:16PM
22 A I may have just left it on his desk. 12:05:20PM
23 Q Was this the letterhead of Ocean Beach 12:05:23PM
24 at the time?
25 A At the time, yes. 12:05:27PM
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1 GEORGE HESSE
2 Q Do you know who created the letterhead 12:05:28PM
3 for Ocean Beach?
4 A No. 12:05:31PM
5 Q Okay. And now you asked for a 12:05:32PM
6 provisional appointment to sergeant.
7 Do you see that? 12:05:37PM
8 A Yes. 12:05:38PM
9 Q What does that mean, a provisional 12:05:38PM
10 appointment?
11 A I believe that you could be appointed 12:05:42PM
12 provisionally to a certain position pending the
13 taking of the next scheduled test.
14 Q What's the basis of your belief on 12:05:49PM
15 that?
16 A Somebody, I think, told me that. 12:05:53PM
17 Q Do you know who told you that? 12:05:55PM
18 A I don't recall. 12:05:56PM
19 Q And so as of 1999, you had not taken 12:05:59PM
20 the sergeant's test?
21 A I don't recall. I may have tried to 12:06:07PM
22 have taken the test at one time.
23 Q At one time prior to '99? 12:06:11PM
24 A It's possible. I don't know. 12:06:13PM
25 Q How many times have you taken the 12:06:14PM
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1 GEORGE HESSE
2 sergeant's test?
3 A I was assigned to take it four times. 12:06:17PM
4 I believe I took it three times. I was a
5 no-show on one other.
6 Q Did you pass it on any of the three 12:06:30PM
7 times you took it?
8 A No. 12:06:33PM
9 Q So you failed the sergeant's test 12:06:33PM
10 three times?
11 A Yes. 12:06:36PM
12 Q When was the first time you took it? 12:06:37PM
13 A I don't recall. 12:06:38PM
14 Q You don't recall what year it was? 12:06:39PM
15 A No. 12:06:41PM
16 Q When was the second time you took it? 12:06:42PM
17 A I don't recall. 12:06:43PM
18 Q Do you recall when the last time you 12:06:44PM
19 took it?
20 A I took it in June of '07. 12:06:46PM
21 Q Do you recall what your score was? 12:06:52PM
22 A 65. 12:06:53PM
23 Q And what was the required score? 12:06:54PM
24 A 70. 12:06:55PM
25 Q Do you recall what your scores were 12:06:58PM
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1 GEORGE HESSE
2 the other two times you took it?
3 A No, I don't recall. 12:07:02PM
4 Q Do you need to pass a sergeant's test 12:07:05PM
5 to be a sergeant?
6 MR. NOVIKOFF: Objection. 12:07:10PM
7 MR. CONNOLLY: Objection. 12:07:10PM
8 A I believe so, yes. 12:07:11PM
9 Q And what's your basis of that belief? 12:07:12PM
10 A It's a promotional exam to sergeant. 12:07:14PM
11 Q And then you write in your memo 12:07:19PM
12 here -- well, strike that, before the memo.
13 When were you a no-show to the test? 12:07:26PM
14 A I don't recall. 12:07:29PM
15 Q Do you recall what year it was? 12:07:31PM
16 A Nope. 12:07:32PM
17 Q Why didn't you show up? 12:07:34PM
18 A I don't recall. 12:07:40PM
19 Q Do you have to provide a reason why 12:07:44PM
20 you don't show up to the county?
21 A No. 12:07:47PM
22 Q You don't recall being out the night 12:07:53PM
23 before drinking that you didn't show up?
24 MR. NOVIKOFF: Again, I didn't 12:07:57PM
25 understand the question. You kind of
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1 GEORGE HESSE
2 mumbled and tailed off.
3 BY MR. GOODSTADT: 12:08:02PM
4 Q I said, you don't recall being out 12:08:02PM
5 drinking the night before that you were a
6 no-show?
7 MR. NOVIKOFF: Objection to form. 12:08:08PM
8 MR. CONNOLLY: Objection. 12:08:09PM
9 A No. 12:08:10PM
10 Q Did you ever report to anybody at the 12:08:10PM
11 beach the fact that you had failed the
12 sergeant's test each time?
13 A No. 12:08:16PM
14 Q How were you alerted to the fact of 12:08:22PM
15 your score? Was it posted somewhere? Did you
16 get a letter or something?
17 MR. NOVIKOFF: Objection. 12:08:28PM
18 A I received a letter. 12:08:28PM
19 Q Each time? 12:08:32PM
20 A Yes. 12:08:33PM
21 Q Did you keep copies of those letters? 12:08:46PM
22 A No. 12:08:48PM
23 Q Did you throw them out? 12:08:48PM
24 A Yeah. 12:08:49PM
25 Q As a police officer, as a full-time 12:08:55PM
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1 GEORGE HESSE
2 police officer, are there any restrictions on
3 supervisory powers that you're entitled to have?
4 MR. NOVIKOFF: Objection to form. 12:09:05PM
5 A Repeat the question. 12:09:16PM
6 Q Yeah. 12:09:16PM
7 As a full-time police officer, as 12:09:16PM
8 opposed to any of the promotional roles,
9 sergeant, lieutenant, chief, is there any
10 restriction on the supervisory power that you're
11 entitled to have?
12 MR. CALLAHAN: Objection to form. 12:09:29PM
13 MR. CONNOLLY: Yeah, same objection. 12:09:30PM
14 MR. NOVIKOFF: Objection. 12:09:32PM
15 A No. 12:09:34PM
16 Q So you're not aware of any 12:09:36PM
17 restrictions on powers that you can have in a
18 supervisor role?
19 MR. NOVIKOFF: Note my objection. 12:09:42PM
20 A No. 12:09:43PM
21 Q And you see in the memo, if you look 12:09:47PM
22 down on the second line --
23 A Uh-huh. 12:09:53PM
24 Q -- the last word says -- that sentence 12:09:53PM
25 says, "The undersigned officer feels since I
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1 GEORGE HESSE
2 already assumed the role of a supervisor, that
3 this appointment will help the police department
4 as a whole," et cetera.
5 Do you see that line? 12:10:05PM
6 A Yes, I do. 12:10:06PM
7 Q What were you referring to when you 12:10:07PM
8 said "since I already assumed the role of a
9 supervisor"?
10 A I was a full-time police officer, I 12:10:13PM
11 was a senior officer, according to being
12 full-time, and Chief Paradiso already had
13 established that I was in charge of the shifts.
14 Q In charge of which shifts? 12:10:25PM
15 A The shifts that I was on, working. 12:10:27PM
16 Q Did you have a set assigned shift in 12:10:30PM
17 or around '99?
18 A I pretty much worked the standard 12:10:35PM
19 schedule, yes.
20 Q What standard schedule? What's the 12:10:38PM
21 hours of that shift?
22 A For a long time, I worked Fridays and 12:10:42PM
23 Saturdays from 9 at night until 5 in the
24 morning, and then on Sundays I worked a 4 to 12,
25 and then on Mondays and Tuesdays I worked from
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1 GEORGE HESSE
2 8:00 a.m. till 4 p.m.
3 Q Were there any other full-time 12:10:57PM
4 officers in '99 other than for you and
5 Paradiso --
6 A No. 12:11:02PM
7 Q -- at Ocean Beach? 12:11:02PM
8 A No. 12:11:04PM
9 Q And what were Paradiso's hours? 12:11:06PM
10 A He pretty much worked straight day 12:11:09PM
11 tours. He worked, I believe, from Wednesday
12 till Sunday, 8 till 4.
13 Q Did that ever change, those regular 12:11:24PM
14 tours for Paradiso?
15 A At some point, yes. 12:11:29PM
16 Q When did it change? 12:11:30PM
17 And I don't mean once he went on leave 12:11:34PM
18 and he didn't have any more tours. I'm talking
19 about until he went on leave.
20 A I'm not sure of the date. It might 12:11:41PM
21 have been 2001, 2002.
22 Q And what did his tours change to? 12:11:45PM
23 A He -- he was told to work the night 12:11:49PM
24 tours on Fridays and Saturdays and holiday
25 Sundays.
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1 GEORGE HESSE
2 Q Who told him that? 12:12:04PM
3 A The mayor. Mayor Rogers, to be exact. 12:12:05PM
4 Q Do you know why she told him that? 12:12:09PM
5 A Yes. 12:12:11PM
6 Q And why did she tell him that? 12:12:11PM
7 A It was a form of disciplinary action 12:12:15PM
8 against Ed Paradiso.
9 Q And what was he being disciplined for? 12:12:19PM
10 A I believe it was for double-dipping. 12:12:23PM
11 Q And how did you learn that that was a 12:12:29PM
12 form of disciplinary action against Paradiso?
13 A Because I knew a complaint was filed 12:12:33PM
14 against Paradiso by somebody in the village, and
15 I believe it was very slightly investigated and
16 he was switched to the night tours.
17 Q Who filed a complaint? 12:12:50PM
18 A I believe it was a Dale Wyckoff. 12:12:52PM
19 Q Wyckoff? 12:12:58PM
20 A W-Y-C-K-O-F-F. 12:13:01PM
21 Q Is that a male or a female, Dale 12:13:06PM
22 Wyckoff?
23 A Female. 12:13:09PM
24 Q Any relation to Doug Wyckoff? 12:13:10PM
25 A Yes. 12:13:13PM
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1 GEORGE HESSE
2 Q What's the relationship? 12:13:13PM
3 A Well, there's Doug senior, who is her 12:13:14PM
4 ex-husband, and her son.
5 Q Any relationship to a Marissa Wyckoff? 12:13:22PM
6 A That would be her daughter. 12:13:24PM
7 Q Marissa Wyckoff worked for you at some 12:13:25PM
8 point --
9 A Yes. 12:13:29PM
10 Q -- in the police department? 12:13:29PM
11 There was a Doug Wyckoff at the 12:13:39PM
12 Halloween incident, correct?
13 A Yes. 12:13:43PM
14 Q Was that senior or is that the son? 12:13:43PM
15 A Senior. 12:13:46PM
16 Q So -- and is Doug Wyckoff the father 12:13:52PM
17 of Marissa Wyckoff?
18 A Doug senior, yes. 12:13:59PM
19 Q How did you learn of the complaint 12:14:03PM
20 filed against Paradiso?
21 A Dale Wyckoff told me. 12:14:10PM
22 Q Did you ever see a copy of the 12:14:12PM
23 complaint?
24 A No. 12:14:15PM
25 Q And who told that you he was being -- 12:14:15PM
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1 GEORGE HESSE
2 that Paradiso was being disciplined for the
3 double-dipping allegation?
4 A I don't recall. 12:14:22PM
5 Q Did you speak to Mayor Rogers about 12:14:23PM
6 it?
7 A I don't recall. 12:14:26PM
8 Q And who performed the slight 12:14:28PM
9 investigation -- I think you called it a slight
10 investigation. Who performed the slight
11 investigation?
12 A It was -- I believe it was Peter Bee 12:14:36PM
13 from Bee, Ready & Fishbein.
14 Q And how do you know that Peter Bee 12:14:45PM
15 performed this investigation?
16 A That's what I was told. 12:14:50PM
17 Q By who? 12:14:51PM
18 A I don't recall. 12:14:52PM
19 Q Did Mayor Rogers tell you that? 12:14:52PM
20 A I don't recall. 12:14:55PM
21 Q Do you know what the results of the 12:14:55PM
22 investigation were?
23 A I believe it was confirmed that he was 12:14:57PM
24 double-dipping.
25 Q Do you know what led to that 12:15:05PM
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1 GEORGE HESSE
2 conclusion?
3 A I believe it was his time sheets in 12:15:08PM
4 Ocean Beach and his time sheets in East Islip
5 School District.
6 Q And so he was put onto your tours or 12:15:20PM
7 at least the Friday, Saturday tours that you
8 testified to before?
9 A Yes. 12:15:25PM
10 Q And you were put on different tours? 12:15:26PM
11 A Yes. 12:15:29PM
12 Q What tours were you put on when that 12:15:31PM
13 happened?
14 A I was put on the day tour, which was 12:15:33PM
15 an 8 a.m. till 4 p.m.
16 Q Did you ever discuss this change in 12:15:40PM
17 shift with Paradiso?
18 A Yes. 12:15:47PM
19 Q When? 12:15:48PM
20 A I'm sure right after it happened, but 12:15:51PM
21 I don't recall the date.
22 Q Did you discuss the reasons for the 12:15:54PM
23 change in shift with Paradiso?
24 A You know, I don't recall. 12:16:00PM
25 Q Did you ever discuss with Paradiso the 12:16:02PM
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1 GEORGE HESSE
2 alleged time overlap or double-dipping I think
3 you called it?
4 A I don't recall. 12:16:08PM
5 Q You don't recall one way or the other? 12:16:09PM
6 A No. 12:16:11PM
7 Q Again, just I know I asked the 12:16:14PM
8 question. I just don't remember the question.
9 Who told you that the reason why the 12:16:18PM
10 tours were being shifted was a form of
11 discipline?
12 A I don't recall. 12:16:23PM
13 Q Do you have anything that would 12:16:25PM
14 refresh your recollection?
15 A Not that I'm aware of. 12:16:27PM
16 Q Did you ever discuss with Paradiso 12:16:28PM
17 that he was being disciplined?
18 A I don't recall. 12:16:35PM
19 Q Did you ever discuss with any other 12:16:35PM
20 current or former Ocean Beach police officers
21 that that shift in the tours was a form of
22 discipline for Paradiso?
23 MR. NOVIKOFF: Objection to form. 12:16:45PM
24 A I don't recall. 12:16:48PM
25 Q Do you know if anything was put in his 12:16:50PM
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1 GEORGE HESSE
2 personnel file reflecting his being disciplined?
3 A I never -- I have never seen anything. 12:16:55PM
4 I don't know.
5 Q Who made the decision to discipline 12:16:58PM
6 him in this way?
7 A I believe it was the mayor, but 12:17:02PM
8 that's -- I'm just guessing.
9 Q What's the basis of that belief? 12:17:07PM
10 A She was his boss. 12:17:09PM
11 Q Do you know who Ms. Wyckoff complained 12:17:15PM
12 to?
13 MR. CONNOLLY: You're referring to -- 12:17:23PM
14 MR. GOODSTADT: Dale Wyckoff, yes. 12:17:27PM
15 MR. CONNOLLY: Right. 12:17:28PM
16 A I believe she took her written 12:17:29PM
17 complaint and filed it with the village office
18 or the Board of Trustees. I just don't know.
19 Q Do you know if the Board of Trustees 12:17:36PM
20 ever discussed it?
21 A I don't know. 12:17:39PM
22 Q Do you know whether the Board of 12:17:42PM
23 Trustees ever voted on the issue of whether or
24 not to discipline Paradiso in the way that
25 you've testified to?
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1 GEORGE HESSE
2 A I don't know. 12:17:55PM
3 Q Have you ever been in a Board of 12:17:57PM
4 Trustees meeting?
5 A Yes. 12:18:00PM
6 Q Are you required to go to Board of 12:18:01PM
7 Trustees meetings?
8 MR. NOVIKOFF: Objection to form. 12:18:05PM
9 A No. 12:18:06PM
10 Q So you sent this memo to Paradiso, and 12:18:14PM
11 the first sentence, it says, "As per our
12 conversation."
13 Do you see that? 12:18:20PM
14 A Yes. 12:18:21PM
15 Q What did you and Paradiso discuss in 12:18:21PM
16 that conversation?
17 A I don't recall. 12:18:26PM
18 Q Do you recall anything that you 12:18:28PM
19 discussed?
20 A No. 12:18:29PM
21 Q You don't recall whether you discussed 12:18:31PM
22 the actual test, the sergeant's test with
23 Paradiso by that time?
24 A I don't recall. 12:18:36PM
25 Q Was anything decided with respect to 12:18:38PM
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1 GEORGE HESSE
2 this request for a provisional appointment in
3 '99?
4 A I don't recall. 12:18:46PM
5 Q Did you actually make a proposal to 12:18:47PM
6 the village for this position?
7 A I don't recall. 12:18:52PM
8 Q Do you have anything that would 12:18:54PM
9 refresh your recollection?
10 A There might be. I don't know. 12:18:56PM
11 Q Anything that you can think of that 12:18:57PM
12 would refresh your recollection?
13 A No. 12:19:01PM
14 Q Did you communicate this request with 12:19:04PM
15 any trustees in 1999?
16 A I don't recall. 12:19:11PM
17 Q Anything that would refresh your 12:19:11PM
18 recollection?
19 A I don't know. 12:19:13PM
20 Q Did you receive an appointment to the 12:19:18PM
21 provisional sergeant's position?
22 MR. CALLAHAN: Objection to form. 12:19:23PM
23 MR. NOVIKOFF: I join in it. 12:19:25PM
24 MR. GOODSTADT: I'll strike that. 12:19:28PM
25

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1 GEORGE HESSE
2 BY MR. GOODSTADT: 12:19:29PM
3 Q Did you receive a provisional 12:19:30PM
4 appointment to sergeant in 1999?
5 A No. 12:19:34PM
6 Q Was this request denied? 12:19:34PM
7 A I believe so. 12:19:37PM
8 Q Who denied it? 12:19:38PM
9 A It may have been the chief. 12:19:40PM
10 Q Do you know why he denied it? 12:19:44PM
11 A No. 12:19:45PM
12 Q Did you ever speak to him about him 12:19:45PM
13 denying it?
14 A I don't recall. 12:19:48PM
15 Q How did you learn that it was denied? 12:19:49PM
16 A I believe was told. 12:19:51PM
17 Q By who? 12:19:52PM
18 A By the chief. 12:19:52PM
19 Q Did he give you the reason as to why 12:19:53PM
20 he was denying it?
21 A I don't recall. 12:19:57PM
22 Q You don't recall if he gave you the 12:19:57PM
23 reason or you don't recall what the reason was?
24 A I don't know. I'm thinking there was 12:20:02PM
25 something in writing that he may have given me,

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1 GEORGE HESSE
2 but I don't recall.
3 Q Did you keep a copy of what he gave to 12:20:17PM
4 you in writing?
5 A I don't recall. 12:20:21PM
6 Q Do you know if it was put in your 12:20:22PM
7 personnel file?
8 A I don't know. 12:20:24PM
9 Q When was the last time you looked at 12:20:25PM
10 your personnel file?
11 A Last time I looked in my personal 12:20:32PM
12 file? You know, I don't recall.
13 Q Last time you looked through it, do 12:20:39PM
14 you recall seeing anything in writing with
15 respect to a denial of your request in 1999?
16 A No. 12:20:46PM
17 Q Did you ever make a follow-up request 12:20:48PM
18 for that same promotion?
19 A I may have. 12:20:54PM
20 Q Do you recall actually doing it? 12:20:55PM
21 A I don't recall. 12:20:57PM
22 MR. GOODSTADT: I apologize, that 12:21:23PM
23 corner's ripped.
24 (Whereupon, Bates document 3847 was 12:21:27PM
25 marked as Plaintiff's Exhibit 2 for

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1 GEORGE HESSE
2 identification, as of this date.)
3 MR. CONNOLLY: Andrew, is this a 12:21:49PM
4 separate exhibit or is it part --
5 MR. GOODSTADT: It is. This is going 12:21:53PM
6 to be Hesse 2. It's a separate exhibit.
7 I've placed in front of Mr. Hesse 12:22:14PM
8 what's now been marked as Hesse 2. It is a
9 one-page document that is marked Bates
10 No. 3847. (Hanging.)
11 BY MR. GOODSTADT: 12:22:25PM
12 Q Mr. Hesse, have you ever seen this 12:22:26PM
13 document that's been marked as Hesse 2?
14 A Yes. 12:22:30PM
15 Q Is that your signature at the bottom 12:22:30PM
16 left corner?
17 A Yes. 12:22:33PM
18 Q And does this refresh your 12:22:35PM
19 recollection as to whether you made a subsequent
20 request for this provisional appointment
21 promotion?
22 A Yes. 12:22:45PM
23 Q And this is dated March 25th, 2001, 12:22:45PM
24 correct?
25 A Correct. 12:22:49PM

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1 GEORGE HESSE
2 Q Do you recall how you submitted this 12:22:49PM
3 to the chief?
4 A I may have just laid it on his desk. 12:22:54PM
5 Q And in the second paragraph, you 12:23:02PM
6 reference, "The last time we spoke of this, you
7 stated 'look at what they did to Bob Golopi.'
8 Do you see that? 12:23:10PM
9 A Yes. 12:23:11PM
10 Q Do you recall the conversation that 12:23:12PM
11 you're referring to, the last time we spoke of
12 that, when that last conversation was?
13 A I don't recall. 12:23:19PM
14 Q Was that the conversation in '99 that 12:23:19PM
15 you testified to already or is that some
16 subsequent conversation?
17 A I don't recall. 12:23:24PM
18 Q Do you know what you're referring to 12:23:26PM
19 or what Paradiso was referring to when he said
20 "look at what they did to Bob Golopi"?
21 A You know, I don't recall. 12:23:35PM
22 Q The next sentence says, "Bob got what 12:23:37PM
23 he wanted and/or deserved."
24 Do you see that? 12:23:41PM
25 A Yes. 12:23:42PM
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1 GEORGE HESSE
2 Q What were you referring to there? 12:23:43PM
3 A I believe he -- well, he moved off the 12:23:46PM
4 beach and he got a vehicle. And I'm
5 speculating. But I really -- I really don't
6 recall.
7 Q You don't recall what you're referring 12:23:57PM
8 to there?
9 A No. The "deserved" part, no. 12:24:00PM
10 Q The next sentence says, "He always 12:24:02PM
11 made deals with the village without first
12 consulting you."
13 Do you see that? 12:24:07PM
14 A Yes. 12:24:08PM
15 Q What are you referring to there? 12:24:08PM
16 A Bob was always scamming, trying to 12:24:10PM
17 scam over the chief. He wanted to be the chief.
18 He wanted to be in charge. He was always
19 playing me and Paradiso and the mayor --
20 actually, the previous mayor, Natalie Rogers,
21 against each other. And he was just -- I think
22 he was just plying for leadership.
23 Q What did he do to make you believe 12:24:35PM
24 that he was plying for leadership?
25 A He was always badmouthing Ed Paradiso 12:24:41PM
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1 GEORGE HESSE
2 and always trying to get him into trouble for
3 things that Ed may have done or not done. I
4 don't know. But he was always trying to be in
5 charge of everything.
6 Q Was that inappropriate -- 12:24:54PM
7 MR. NOVIKOFF: Objection. 12:24:57PM
8 BY MR. GOODSTADT: 12:24:58PM
9 Q -- in your mind? 12:24:59PM
10 A Yes. 12:25:00PM
11 Q Did he ever go outside the chain of 12:25:01PM
12 command and complain about Paradiso?
13 MR. NOVIKOFF: Objection. 12:25:06PM
14 BY MR. GOODSTADT: 12:25:07PM
15 Q Did Golopi ever go outside the chain 12:25:07PM
16 of command to complain about Paradiso?
17 MR. NOVIKOFF: Objection. 12:25:13PM
18 A I don't know. 12:25:14PM
19 Q Is going to the village and 12:25:16PM
20 complaining about him without first going to
21 Paradiso, is that going outside the chain of
22 command?
23 A Well, if he felt there was an issue 12:25:24PM
24 with Paradiso, the next step would be the mayor,
25 who was our police commissioner. So that is not
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1 GEORGE HESSE
2 going out of the chain of command.
3 Q Is that what he did? When you say 12:25:34PM
4 "deals with the village," you're referring to
5 the mayor?
6 A Yes. 12:25:43PM
7 Q And the chain of the command, should 12:25:45PM
8 he first have gone to Paradiso --
9 MR. NOVIKOFF: Objection to form. 12:25:50PM
10 BY MR. GOODSTADT: 12:25:51PM
11 Q -- with a complaint he had about 12:25:52PM
12 Paradiso?
13 A Yes. 12:25:54PM
14 Q The next paragraph, the second 12:25:56PM
15 sentence says, "All I asked for is the title of
16 sergeant."
17 Do you see that? 12:26:04PM
18 A Yes. 12:26:04PM
19 Q Is the sergeant, is that a competitive 12:26:04PM
20 position, where there needs to be a canvass
21 letter?
22 MR. NOVIKOFF: Objection. 12:26:12PM
23 MR. CALLAHAN: Objection. 12:26:13PM
24 MR. CONNOLLY: Objection. 12:26:14PM
25 A On most jobs, yes. 12:26:14PM
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1 GEORGE HESSE
2 Q How about at Ocean Beach? 12:26:16PM
3 A Well, if I'm the only one taking the 12:26:18PM
4 test, it's just a promotion. It's not
5 comparative.
6 Q What do you mean by "on most jobs, 12:26:24PM
7 yes"?
8 A Say if it was Suffolk County PD and 12:26:27PM
9 you got 600 guys taking the sergeant's test and
10 there are four positions open, it's a
11 competitive promotion.
12 Q So here there wouldn't have been a 12:26:37PM
13 canvass letter for that title, because you're
14 the only person going for it?
15 MR. NOVIKOFF: Objection. 12:26:39PM
16 A You know, I don't know. 12:26:40PM
17 Q Then the last sentence of that 12:26:44PM
18 paragraph, "Even Mayor Rogers refers to me as
19 the sergeant when she speaks to me."
20 Do you see that? 12:26:51PM
21 A Yes. 12:26:51PM
22 Q What did you mean by that? 12:26:51PM
23 A She would call me Sergeant Hesse. 12:26:53PM
24 Q Really? For how long was she calling 12:26:56PM
25 you Sergeant Hesse?
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1 GEORGE HESSE
2 A Yes. 12:27:50PM
3 Q Two more times after that? 12:27:52PM
4 A No. 12:27:54PM
5 Q One more time after '01 you took it? 12:27:55PM
6 A Yes. 12:27:57PM
7 Q So you had taken it twice before you 12:27:58PM
8 wrote this letter and once after?
9 A To the best of my recollection, yes. 12:28:02PM
10 Q Okay. So to the best of your 12:28:04PM
11 recollection, you took it in '07. We discussed
12 that.
13 When did you take it prior to '07, 12:28:08PM
14 going in reverse chronological order?
15 A I don't recall. 12:28:15PM
16 Q You don't recall what year it was? 12:28:15PM
17 A No. 12:28:17PM
18 Q And you don't recall the first time 12:28:18PM
19 you took it?
20 A No. 12:28:22PM
21 Q But it's your belief that you had 12:28:23PM
22 taken it twice by '01, though, correct?
23 A Yes. 12:28:26PM
24 Q Is there a limit on the amount of 12:28:27PM
25 times you can take a test for sergeant?
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1 GEORGE HESSE
2 A Probably for as long as she's been the 12:27:00PM
3 mayor.
4 Q Did she ever call you Chief Hesse? 12:27:03PM
5 A Yes. 12:27:05PM
6 Q When did that start? 12:27:06PM
7 A When I was designated the deputy 12:27:07PM
8 chief.
9 Q And then the first sentence of this 12:27:10PM
10 last paragraph says -- well, the next-to-last
11 paragraph, "I understand I did not do well
12 enough to pass the last exam."
13 Do you see that? 12:27:21PM
14 A Yes. 12:27:22PM
15 Q So does that refresh your recollection 12:27:22PM
16 as to when you took the first test?
17 A No. 12:27:27PM
18 Q But at least as of '01, you had taken 12:27:30PM
19 one and failed it, correct?
20 A Correct. 12:27:34PM
21 Q And when you say "the last exam," 12:27:36PM
22 you're referring to the sergeant's exam?
23 A Yes. 12:27:41PM
24 Q Did you take it again after this 2001, 12:27:47PM
25 do you know, the test?
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1 GEORGE HESSE
2 MR. NOVIKOFF: Objection. 12:28:31PM
3 A Not that I'm aware of. 12:28:32PM
4 Q Now, you write in the next-to-last 12:28:43PM
5 sentence in that paragraph, "According to Civil
6 Service, you can stay in a provisional position
7 pending two exams."
8 Do you see that? 12:28:51PM
9 A Yes. 12:28:51PM
10 Q What's your basis for making that 12:28:51PM
11 statement?
12 A I believe I was told that. 12:28:54PM
13 Q By who? 12:28:56PM
14 A I don't recall. 12:28:56PM
15 Q And what did you mean by that? What's 12:29:00PM
16 your understanding of "you can stay in the
17 provisional position pending two exams"?
18 A I believe my understanding was if you 12:29:07PM
19 took the test and failed it, you could remain in
20 that position until you take it again and
21 hopefully pass it.
22 Q And what happens after the second time 12:29:15PM
23 you fail it, your understanding?
24 A I don't know. I would assume they 12:29:19PM
25 remove you from the provisional appointment.
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1 GEORGE HESSE
2 Q Then you said, "That gives me at least 12:29:26PM
3 four to five years to pass the test."
4 Do you see that? 12:29:30PM
5 A Yes. 12:29:31PM
6 Q How often was the test given, at least 12:29:32PM
7 at that time?
8 A It's given in two-year increments. 12:29:36PM
9 Q Every two years? 12:29:38PM
10 A Every two years, yes. 12:29:39PM
11 Q And then the last sentence says, "I 12:29:43PM
12 hope you reconsider your last decision, and I
13 thank you for your time in this matter."
14 Do you see that? 12:29:57PM
15 A Yes. 12:29:57PM
16 Q Did Paradiso ever reconsider his 12:29:57PM
17 decision the last time?
18 A Yes. 12:30:01PM
19 Q Okay. And what did he do this time in 12:30:02PM
20 response to this letter?
21 A I believe he gave my proposal to the 12:30:09PM
22 village board, and it was approved.
23 Q Were you at the -- strike that. 12:30:25PM
24 Was it approved at a board meeting? 12:30:27PM
25 A To my understanding, it was approved 12:30:29PM
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1 GEORGE HESSE
2 in executive session at a board meeting.
3 Q You weren't at the executive session? 12:30:36PM
4 A No. 12:30:38PM
5 Q So how did you learn that it was 12:30:39PM
6 approved at the executive session?
7 A Paradiso had told me. 12:30:42PM
8 Q Do you know when that was approved? 12:30:47PM
9 A The date is -- the year was 2001. To 12:30:49PM
10 tell you the truth, I don't know the exact time
11 frame. It was definitely before the summer of
12 2001.
13 Q And did that -- was the approval for 12:31:02PM
14 the provisional appointment or did they appoint
15 you sergeant?
16 A It might have just been sergeant. I 12:31:09PM
17 don't know what the exact --
18 Q Did you ever receive any -- a 12:31:14PM
19 confirmation of it in a letter saying
20 congratulations, you received X position?
21 A No, I don't recall. 12:31:21PM
22 Q Did you receive a raise when you got 12:31:22PM
23 the promotion?
24 A I don't recall. 12:31:28PM
25 Q Did you receive any additional 12:31:29PM
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1 GEORGE HESSE
2 authority when you got the position?
3 A I was the sergeant, that -- sergeant. 12:31:35PM
4 Q Did that -- did that grant you with 12:31:39PM
5 any additional authority that you didn't have
6 prior to being sergeant?
7 MR. NOVIKOFF: Objection. Form. 12:31:45PM
8 A No. 12:31:46PM
9 Q Did you have the authority to hire or 12:31:48PM
10 fire officers?
11 A No. 12:31:51PM
12 Q Did Paradiso have that authority? 12:31:55PM
13 A Yes. 12:31:59PM
14 Q Do you know whether he needed board 12:31:59PM
15 approval to hire or fire an officer?
16 MR. NOVIKOFF: Objection. 12:32:03PM
17 A I don't believe so. 12:32:06PM
18 Q Do you know whether he needed approval 12:32:09PM
19 from Civil Service to hire and fire an officer?
20 MR. NOVIKOFF: Objection. Form. 12:32:14PM
21 Foundation.
22 A Yes. 12:32:16PM
23 Q He needed approval from Civil Service? 12:32:18PM
24 A Yes. 12:32:20PM
25 Q Do you know whether he needed approval 12:32:25PM
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1 GEORGE HESSE
2 from anyone else other than for Civil Service
3 before he could hire or fire?
4 A I'm not aware of any. 12:32:33PM
5 Q What's the basis of your understanding 12:32:36PM
6 that he needed approval from Civil Service
7 before hiring or firing an officer?
8 A Well, for the position, any person 12:32:41PM
9 within a municipality who is going to be hired,
10 you have to meet the minimum requirements that
11 Civil Service designates.
12 Q And how about for terminations, did he 12:32:55PM
13 need approval from Civil Service before firing a
14 police officer?
15 MR. NOVIKOFF: Objection. Form. 12:33:05PM
16 MR. CALLAHAN: Objection. 12:33:07PM
17 A I don't believe so. 12:33:07PM
18 Q Did you actually appear before the 12:33:11PM
19 board to make a proposal for this position?
20 MR. NOVIKOFF: His position? 12:33:16PM
21 BY MR. GOODSTADT: 12:33:17PM
22 Q For the provisional appointment 12:33:17PM
23 position or just a sergeant position whichever
24 one you actually were promoted to.
25 MR. NOVIKOFF: As referred to in 12:33:24PM
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1 GEORGE HESSE
2 Hesse 2?
3 MR. GOODSTADT: This is the request. 12:33:27PM
4 He doesn't know exactly what the actual
5 promotion was. It was either sergeant or a
6 provisional appointment as sergeant.
7 BY MR. GOODSTADT: 12:33:35PM
8 Q Did you actually propose a promotion 12:33:35PM
9 to the board?
10 MR. CONNOLLY: Did he? 12:33:38PM
11 BY MR. GOODSTADT: 12:33:39PM
12 Q Yeah, did you physically go there and 12:33:39PM
13 make a proposal to them?
14 A No. 12:33:42PM
15 Q Did you know that Paradiso had 12:33:45PM
16 forwarded your request on to the board?
17 A I don't recall how it was done. 12:33:52PM
18 Q Do you know whether he supported that 12:33:53PM
19 promotion at the time when he forwarded it on to
20 the board?
21 A I don't know what his thoughts were. 12:34:00PM
22 Q Did you ever see the letter that he 12:34:03PM
23 sent or the transmission that he sent with your
24 proposal to the board?
25 A I may have. I don't recall. 12:34:10PM
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1 GEORGE HESSE
2 MR. GOODSTADT: Could you mark that as 12:34:16PM
3 Hesse 3.
4 (Whereupon, Bates document 3845-46 was 12:34:18PM
5 marked as Plaintiff's Exhibit 3 for
6 identification, as of this date.)
7 MR. CALLAHAN: How is this being 12:34:47PM
8 marked?
9 MR. GOODSTADT: Hesse 3. 12:34:49PM
10 I've placed in front of Mr. Hesse 12:34:53PM
11 what's been marked as Hesse 3. It is a
12 two-page document bearing Bates Nos. 3845
13 and 3846. (Handing.)
14 BY MR. GOODSTADT: 12:35:02PM
15 Q Mr. Hesse, have you ever seen the 12:35:03PM
16 exhibit that's been marked as Hesse 3?
17 A Yes. 12:35:07PM
18 Q Does this refresh your recollection as 12:35:08PM
19 to whether he forwarded on your document with
20 the recommendation?
21 A Yes. 12:35:14PM
22 Q Did you ever discuss with him that he 12:35:14PM
23 was going to recommend you for the position?
24 MR. NOVIKOFF: Objection. It was a 12:35:22PM
25 little confusing.
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1 GEORGE HESSE
2 BY MR. GOODSTADT: 12:35:24PM
3 Q At that time, before he sent this on, 12:35:25PM
4 did you ever discuss with him that he was going
5 to forward your request on with his
6 recommendation?
7 A I don't recall. 12:35:34PM
8 Q Did you discuss the test with him at 12:35:34PM
9 that point in time, the sergeant's test?
10 A I don't recall. 12:35:38PM
11 Q And it's your understanding that the 12:35:43PM
12 board voted on it and approved it in executive
13 session?
14 MR. NOVIKOFF: Objection. Asked and 12:35:48PM
15 answered.
16 BY MR. GOODSTADT: 12:35:49PM
17 Q Is that correct? 12:35:49PM
18 A Yes. 12:35:50PM
19 Q Did you ever see any minutes that 12:35:51PM
20 reflect that?
21 A No. 12:35:56PM
22 Q Did you ever speak to any of the 12:35:57PM
23 trustees about their approval of that
24 appointment?
25 A Yes. 12:36:03PM
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1 GEORGE HESSE
2 Q Who did you speak with? 12:36:03PM
3 A Andrew Miller. 12:36:05PM
4 Q Anyone else? 12:36:06PM
5 A Not that I recall. 12:36:08PM
6 Q And what did Mr. Miller and you 12:36:12PM
7 discuss?
8 A I don't recall. 12:36:17PM
9 Q Do you recall anything that you 12:36:18PM
10 discussed with him about the appointment?
11 A I don't recall. 12:36:23PM
12 Q Did he tell you that it was 12:36:24PM
13 provisional as opposed to just sergeant?
14 A I don't recall. 12:36:30PM
15 Q Do you know whether the promotion was 12:36:36PM
16 reported to Civil Service?
17 A No, I don't. 12:36:43PM
18 Q Do you know if it was reported to the 12:36:45PM
19 State of New York?
20 A No, I don't. 12:36:48PM
21 Q Did you ever attend any supervisory 12:36:57PM
22 schools administered by the Suffolk County
23 Police?
24 MR. NOVIKOFF: Objection to form. 12:37:03PM
25 Foundation.
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1 GEORGE HESSE
2 MR. CALLAHAN: Same objection. 12:37:05PM
3 A No. 12:37:07PM
4 Q Is that a requirement to become a 12:37:08PM
5 sergeant to attend a supervisory school?
6 MR. NOVIKOFF: Objection. Form. 12:37:14PM
7 MR. CALLAHAN: Same. 12:37:18PM
8 MR. CONNOLLY: Same. 12:37:18PM
9 A I don't know. 12:37:20PM
10 Q You don't know one way or the other? 12:37:20PM
11 A No. 12:37:20PM
12 Q Do you know what I mean when I say 12:37:21PM
13 supervisory school administrated by the Suffolk
14 County Police?
15 A Yes. 12:37:27PM
16 Q What is that, in your understanding. 12:37:28PM
17 A I just know of a course that Suffolk 12:37:30PM
18 County offers as a supervisor school.
19 Q And you never took that course? 12:37:38PM
20 A No. 12:37:40PM
21 Q And you don't know one way or the 12:37:40PM
22 other whether it's required to be a sergeant to
23 take that course, correct?
24 MR. NOVIKOFF: Objection. Form. 12:37:47PM
25 MR. CALLAHAN: Same. 12:37:48PM
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1 GEORGE HESSE
2 A I don't know. 12:37:49PM
3 Q Did you receive any training from 12:37:50PM
4 Suffolk County to be a sergeant?
5 A No. 12:37:56PM
6 Q Did you go to any training -- other 12:37:58PM
7 than for it being on the job, did you go to any
8 formal training to be a sergeant?
9 A No. 12:38:07PM
10 Q Did you have a business card at that 12:38:09PM
11 time?
12 A I believe I did. 12:38:12PM
13 Q Did you change your business card to 12:38:13PM
14 reflect sergeant?
15 A I'm sure I did. 12:38:16PM
16 Q Did it say provisional in there at 12:38:18PM
17 all?
18 A Not that I'm aware of, no. 12:38:22PM
19 Q Did you create your own business card 12:38:24PM
20 or did somebody -- or did someone at Ocean Beach
21 who was responsible for creating the business
22 cards?
23 MR. NOVIKOFF: Objection. Form. 12:38:32PM
24 A I believe I created it. 12:38:33PM
25 Q And you went out and got somebody to 12:38:35PM
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1 GEORGE HESSE
2 print them up?
3 A No. 12:38:39PM
4 Q You printed them up yourself? 12:38:40PM
5 A Yes. 12:38:42PM
6 Q Did you have a change in your uniform 12:38:45PM
7 to reflect the fact that you had been promoted
8 to sergeant?
9 A Yes. 12:38:52PM
10 Q What did you have, the three chevron 12:38:52PM
11 patch or something that reflected your
12 promotion?
13 A Yes. 12:38:57PM
14 Q Is that what you had, a three chevron 12:38:57PM
15 patch?
16 A Yes. 12:39:00PM
17 Q And where did you get that patch from? 12:39:01PM
18 A I believe it was ordered from the 12:39:04PM
19 uniform supply store.
20 Q And you wore that on your sleeve? 12:39:10PM
21 A Yes. 12:39:13PM
22 Q Was there any change to your shield 12:39:16PM
23 that reflects that you're a sergeant?
24 A Yes. 12:39:20PM
25 Q What was the change on your shield 12:39:20PM
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1 GEORGE HESSE
2 that reflected a sergeant?
3 A I was issued a sergeant's shield. 12:39:23PM
4 Q By who? 12:39:25PM
5 A Ed Paradiso. 12:39:26PM
6 Q And when were you issued that shield? 12:39:31PM
7 A I believe it had to be ordered, so I 12:39:37PM
8 don't really recall the exact date.
9 Q Sometime in or around 2001? 12:39:41PM
10 A Yes. 12:39:44PM
11 Q Did you hold yourself out to anybody 12:39:47PM
12 outside of the beach as a sergeant?
13 MR. CALLAHAN: Objection to form. 12:39:54PM
14 MR. NOVIKOFF: Yeah, objection. 12:39:55PM
15 MR. CONNOLLY: Objection. 12:39:56PM
16 A Yes. 12:39:56PM
17 Q Who did you hold yourself out to be -- 12:39:57PM
18 who did you hold yourself out to as a sergeant
19 outside of Ocean Beach?
20 A The world. 12:40:05PM
21 Q So it wasn't your understanding that 12:40:06PM
22 this was some internal title, correct?
23 MR. NOVIKOFF: Objection. 12:40:11PM
24 MR. CONNOLLY: Objection. 12:40:12PM
25 A I was the sergeant. I was promoted 12:40:14PM
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1 GEORGE HESSE
2 internally, yes.
3 Q So if I were to tell you that there 12:40:18PM
4 was some testimony by a village official that
5 this was just an internal title, would that be
6 news to you?
7 A No. 12:40:28PM
8 Q It wouldn't? 12:40:29PM
9 A No. 12:40:30PM
10 Q So you've been told in the past that 12:40:30PM
11 this is an internal title?
12 A Recently, yes. 12:40:34PM
13 Q How recently -- how about at the time? 12:40:35PM
14 A At the time, no. 12:40:37PM
15 Q When were you told it was just an 12:40:38PM
16 internal title?
17 A Probably within the last two years 12:40:42PM
18 now.
19 Q Uh-huh. Who told you that? 12:40:45PM
20 A Mayor Joe Loeffler. 12:40:47PM
21 Q When did he tell you that in the last 12:40:48PM
22 two years?
23 A I don't recall. 12:40:51PM
24 Q Do you recall what year it was? 12:40:51PM
25 A It was within the last two years. 12:40:53PM
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1 GEORGE HESSE
2 Q And were you sergeant at the time he 12:40:55PM
3 told you that or had you received another
4 promotion since then?
5 A I received another promotion since 12:41:01PM
6 then.
7 Q Did anyone ever tell you that the 12:41:04PM
8 sergeant title was just internal?
9 A No. 12:41:08PM
10 Q So even Joe Loeffler didn't tell you 12:41:08PM
11 the sergeant title was internal?
12 A Joe Loeffler wasn't a trustee at the 12:41:14PM
13 time.
14 Q At what time? 12:41:17PM
15 A At the time when I was given the 12:41:18PM
16 sergeant's.
17 Q So at the time you held the sergeant 12:41:21PM
18 title and held yourself out to the world as a
19 sergeant, did anybody tell you that it was just
20 an internal title?
21 A No. 12:41:29PM
22 MR. CALLAHAN: Objection to form. 12:41:31PM
23 MR. NOVIKOFF: I join in. I don't 12:41:33PM
24 like anyone to be alone.
25 MR. CALLAHAN: Thank you. 12:41:43PM
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1 GEORGE HESSE
2 BY MR. GOODSTADT: 12:41:56PM
3 Q So before, I asked you whether you had 12:41:57PM
4 the same title currently, your Civil Service was
5 a full-time police officer and you told me it
6 was. And then I asked you was it the same title
7 as Ed Carter, and you told me it wasn't. But do
8 you and Ed Carter hold the same police
9 certificate?
10 MR. NOVIKOFF: Objection. 12:42:19PM
11 MR. CONNOLLY: Objection. 12:42:19PM
12 A Yes. 12:42:20PM
13 Q Same thing with Mr. Fiorillo, 12:42:21PM
14 Mr. Lamm, Mr. Snyder?
15 MR. NOVIKOFF: Same objection. 12:42:26PM
16 A Yes. 12:42:27PM
17 Q Mr. Nofi? 12:42:28PM
18 MR. NOVIKOFF: Same objection. 12:42:30PM
19 A Yes. 12:42:30PM
20 Q Yes? 12:42:31PM
21 A Yes. 12:42:32PM
22 Q Did there come a point in time that 12:42:32PM
23 you were promoted from the sergeant title?
24 A Yes. 12:42:37PM
25 Q And when did that happen? 12:42:38PM
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1 GEORGE HESSE
2 A I believe the date was January 18th, 12:42:41PM
3 2006.
4 Q And what title did you receive a 12:42:48PM
5 promotion to in January of 2006?
6 A Acting deputy chief. 12:42:58PM
7 Q And is that something that you applied 12:43:10PM
8 for or put in a request for like you had done
9 for the sergeant position?
10 A No. 12:43:16PM
11 Q Did you actually have to fill out any 12:43:17PM
12 work, any paperwork when you got the sergeant
13 position to reflect that change?
14 A Not that I recall. 12:43:25PM
15 Q Did you have to fill out any 12:43:26PM
16 application for that position other than for the
17 two letters that we've seen?
18 A Not that I recall. 12:43:32PM
19 Q Now, the -- so the deputy -- acting 12:43:35PM
20 deputy chief, is that what you said?
21 A Correct. 12:43:40PM
22 Q How did you learn that you were up for 12:43:41PM
23 that position?
24 A I was approached by Joe Loeffler, and 12:43:44PM
25 he said she was going to make that suggestion to
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1 GEORGE HESSE
2 the board.
3 Q And is that a position that a canvass 12:43:54PM
4 letter would ordinarily go out to?
5 MR. CALLAHAN: Objection to form. 12:43:59PM
6 A I don't know. 12:44:00PM
7 Q You don't know one way or the other? 12:44:01PM
8 A No. 12:44:04PM
9 Q When did Mr. Loeffler approach you to 12:44:04PM
10 tell you that he was going to make that proposal
11 to the board?
12 A I don't recall any specific date. 12:44:09PM
13 Q What was his title at the time? 12:44:10PM
14 A Trustee. 12:44:12PM
15 Q Do you recall what year it was that he 12:44:15PM
16 told you this?
17 A It had to be in 2005 at some point. 12:44:17PM
18 Q Do you recall what month it was? 12:44:23PM
19 A No, I don't. 12:44:25PM
20 Q What did he tell you? 12:44:27PM
21 A Well, at that point, Paradiso had 12:44:34PM
22 taken his leave, and he felt that the police
23 department still needs to move forward and
24 needed a certain sort of leadership and that he
25 was going to make the recommendation to the
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1 GEORGE HESSE
2 board for my new position.
3 Q Do you know whether -- do you know 12:44:52PM
4 when the recommendation was made to the board?
5 A I don't know. 12:44:57PM
6 Q Were you at the meeting at which it 12:44:58PM
7 was made?
8 A No. 12:45:00PM
9 Q Do you know whether it was reported to 12:45:03PM
10 the public prior to the board proposal?
11 A Not that I'm aware of. 12:45:07PM
12 Q And how are you aware that he actually 12:45:12PM
13 was going to move forward and make that
14 proposal?
15 A He told me. 12:45:20PM
16 Q And that was in '05? 12:45:22PM
17 A Yes. 12:45:23PM
18 Q Did he tell you when he was going to 12:45:24PM
19 make that proposal?
20 A Not exactly, no. 12:45:27PM
21 Q Did you take on the role prior to the 12:45:28PM
22 proposal being made, like, for example, he told
23 you in '05 he was going to make the proposal.
24 According to you it was done in 06 in January.
25 During the period from when he told you until
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1 GEORGE HESSE
2 the time that the proposal was made, had you
3 taken on the role of deputy chief of police
4 or -- deputy chief of police or acting deputy
5 chief of police.
6 MR. NOVIKOFF: Objection to form. 12:45:56PM
7 MR. CONNOLLY: Objection to form. 12:45:57PM
8 MR. CALLAHAN: Objection. 12:45:59PM
9 A I don't know if I assumed the role. I 12:46:00PM
10 did the job.
11 Q And do you know whether the proposal 12:46:05PM
12 was actually made to the board?
13 A No. 12:46:10PM
14 Q Did you ever see any documentation 12:46:11PM
15 that demonstrates that it was?
16 A After I was approved, I did. 12:46:16PM
17 Q And how did you learn that it was made 12:46:18PM
18 and approved?
19 A Well, I was at the board meeting when 12:46:21PM
20 they made the appointment.
21 Q So you were there when they proposed 12:46:25PM
22 it and voted on it?
23 A Yes. It was in a public forum. Yes. 12:46:28PM
24 Q Did you have to present anything to 12:46:32PM
25 the board in that meeting?
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1 GEORGE HESSE
2 A No. 12:46:35PM
3 Q Did anyone speak on your behalf when 12:46:37PM
4 the proposal was made?
5 A I believe Trustee Loeffler did. 12:46:41PM
6 Q Do you recall what he said? 12:46:45PM
7 A Not exactly, no. 12:46:47PM
8 Q Who was the mayor at the time? 12:46:49PM
9 A Natalie Rogers. 12:46:51PM
10 Q Did you ever speak to Chief Paradiso 12:46:55PM
11 about the proposal that you'd be made deputy
12 chief or acting deputy chief of police?
13 A No. 12:47:06PM
14 Q Did you ever learn of a conversation 12:47:08PM
15 that Paradiso had with Rogers about that
16 appointment?
17 A I vaguely remember something, yes. 12:47:18PM
18 Q What do you remember? 12:47:20PM
19 A That he felt that I wasn't right for 12:47:21PM
20 the job.
21 Q Do you know why he felt that? 12:47:24PM
22 A I'm sure he was threatened. 12:47:26PM
23 Q Did you ever discuss with him -- 12:47:28PM
24 A No. 12:47:30PM
25 Q -- his position on that? 12:47:30PM
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1 GEORGE HESSE
2 A No. 12:47:31PM
3 MR. NOVIKOFF: I'm sorry, what was his 12:47:32PM
4 answer before that last question?
5 MR. GOODSTADT: He thought he was 12:47:36PM
6 threatened.
7 MR. NOVIKOFF: Paradiso thought he was 12:47:38PM
8 threatened?
9 MR. GOODSTADT: Yes. 12:47:40PM
10 A Not physically, but his job. 12:47:42PM
11 Q That's just your speculation, right? 12:47:43PM
12 You never spoke to him about that?
13 A No. 12:47:47PM
14 Q Did you ever speak to Rogers about 12:47:49PM
15 Paradiso's position with respect to your
16 promotion?
17 A I don't recall. 12:47:56PM
18 Q How did you learn of that conversation 12:47:57PM
19 that Paradiso had with Rogers?
20 A I don't recall. 12:48:02PM
21 Q Who was the police commissioner at the 12:48:04PM
22 time?
23 MR. NOVIKOFF: Objection. 12:48:06PM
24 A Natalie Rogers. 12:48:08PM
25 Q Was there a police liaison at the 12:48:14PM
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1 GEORGE HESSE
2 time?
3 MR. NOVIKOFF: Objection to the form 12:48:20PM
4 of the question.
5 A Not that I'm aware of. 12:48:23PM
6 Q Just you had it referred to Loeffler, 12:48:25PM
7 but you don't know if it was official or not?
8 A That's correct. 12:48:29PM
9 Q Who is the police commissioner today? 12:48:30PM
10 A Joseph Loeffler. 12:48:32PM
11 Q Was Paradiso still working at this 12:48:38PM
12 time?
13 MR. NOVIKOFF: Objection. Form. 12:48:42PM
14 MR. CONNOLLY: Presumably you're 12:48:46PM
15 talking about the beach.
16 MR. GOODSTADT: At the beach. At the 12:48:49PM
17 beach.
18 A No. 12:48:50PM
19 Q So he was already out on his leave or 12:48:50PM
20 whatever he was out on?
21 MR. NOVIKOFF: Objection. 12:48:54PM
22 A Yes. 12:48:55PM
23 Q Yes? 12:48:55PM
24 A Yes. 12:48:56PM
25 Q Did you ever see the resolution that 12:48:56PM
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1 GEORGE HESSE
2 approved your appointment?
3 A I may have. 12:49:02PM
4 Q Was the appointment at the meeting in 12:49:06PM
5 January of '06, was that made to acting deputy
6 chief of police or deputy chief of police?
7 A I think there's some terminology 12:49:15PM
8 problems there, but I've seen it as acting and
9 I've seen it as deputy chief.
10 Q Well, which one was it? 12:49:22PM
11 A To tell you the truth, I don't even 12:49:24PM
12 know.
13 Q Is there a Civil Service test that's 12:49:26PM
14 required to get that promotion --
15 MR. NOVIKOFF: Objection. 12:49:29PM
16 BY MR. GOODSTADT: 12:49:31PM
17 Q -- to deputy chief of police? 12:49:31PM
18 MR. CALLAHAN: Same. 12:49:33PM
19 A No. 12:49:34PM
20 Q Is there a Civil Service test to be 12:49:34PM
21 chief of police?
22 MR. NOVIKOFF: Objection. 12:49:40PM
23 MR. CALLAHAN: Same. 12:49:41PM
24 A There is one. 12:49:41PM
25 Q Do you know whether you can be 12:49:42PM
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1 GEORGE HESSE
2 promoted to chief or deputy chief without first
3 passing the sergeant's test --
4 MR. NOVIKOFF: Objection. 12:49:49PM
5 BY MR. GOODSTADT: 12:49:50PM
6 Q -- on your Civil Service level? 12:49:50PM
7 MR. NOVIKOFF: Objection. 12:49:52PM
8 A I don't know. 12:49:52PM
9 Q You don't know one way or the other? 12:49:53PM
10 A I don't know. 12:49:56PM
11 MR. GOODSTADT: Mark this. 12:49:58PM
12 (Whereupon, Bates document 28 was 12:49:58PM
13 marked as Plaintiff's Exhibit 4 for
14 identification, as of this date.)
15 MR. GOODSTADT: I've placed in front 12:50:26PM
16 of Mr. Hesse what's now been marked as
17 Hesse 4. It's a one-page exhibit bearing
18 Bates No. 28. (Hanging.)
19 BY MR. GOODSTADT: 12:50:34PM
20 Q Mr. Hesse, have you ever seen the 12:50:34PM
21 document that's been marked as Hesse 4?
22 A Yes. 12:50:38PM
23 Q And this is the resolution that 12:50:38PM
24 demonstrates that you have been designated as
25 deputy chief of police.
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1 GEORGE HESSE
2 Do you see that? 12:50:46PM
3 A Yes. 12:50:47PM
4 Q So does this refresh your recollection 12:50:51PM
5 as to whether it was a designation to acting
6 versus deputy, just plain deputy chief of
7 police.
8 MR. NOVIKOFF: Objection to form. 12:50:59PM
9 A It says deputy. 12:51:00PM
10 Q Is that a Civil Service title, deputy 12:51:01PM
11 chief of police?
12 MR. NOVIKOFF: Objection. 12:51:05PM
13 A Yes. 12:51:05PM
14 Q Do you know whether this promotion was 12:51:10PM
15 reported to Civil Service?
16 A Not that I'm aware of. 12:51:13PM
17 Q Did you receive a pay increase with 12:51:15PM
18 this promotion?
19 A I don't think so. 12:51:21PM
20 Q Do you know whether this promotion was 12:51:23PM
21 approved by Civil Service?
22 MR. CALLAHAN: Objection to form. 12:51:28PM
23 A I am unaware. 12:51:29PM
24 Q Is deputy chief of police, is that an 12:51:31PM
25 open competitive position?
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1 GEORGE HESSE
2 MR. NOVIKOFF: Objection. 12:51:35PM
3 A It may be. I don't know. 12:51:36PM
4 Q Do you know whether a canvass letter 12:51:38PM
5 was distributed to anybody?
6 MR. NOVIKOFF: Objection. 12:51:42PM
7 A I am unaware. 12:51:42PM
8 Q And if you see on Hesse 4, do you see 12:51:45PM
9 where the arrow is that says "designation of
10 George Hesse"?
11 A Uh-huh. 12:51:54PM
12 Q Do you see that? 12:51:53PM
13 A Yes. 12:51:55PM
14 Q On the second line, it says, "Trustee 12:51:55PM
15 Loeffler made motion to designate George Hesse
16 as deputy chief of police with all power and
17 authority involved with that position."
18 Do you see that? 12:52:05PM
19 A Yes. 12:52:06PM
20 Q Do you know what power and authority 12:52:06PM
21 is involved with that position?
22 MR. NOVIKOFF: Note my objection. 12:52:13PM
23 MR. CALLAHAN: Objection to form also. 12:52:14PM
24 MR. NOVIKOFF: Yeah. 12:52:17PM
25 A I would assume that I am in charge of 12:52:17PM
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1 GEORGE HESSE
2 all aspects of the police department.
3 Q And did your role change at all when 12:52:23PM
4 you received that promotion?
5 A Slightly. 12:52:28PM
6 MR. NOVIKOFF: Objection. 12:52:29PM
7 BY MR. GOODSTADT: 12:52:29PM
8 Q What do you mean by slightly? 12:52:29PM
9 A I now had the powers to hire and 12:52:31PM
10 remove.
11 Q Okay. Who did you report to in this 12:52:38PM
12 position?
13 A The mayor and the mayor alone. 12:52:40PM
14 Q Okay. So you got more power in terms 12:52:42PM
15 of the ability to hire and fire. Your reporting
16 relationship changed too, correct? You were
17 reporting to Paradiso, and now you're reporting
18 only to the mayor?
19 A Yes. 12:52:55PM
20 Q Any other changes to your duties or 12:52:55PM
21 responsibilities with this promotion?
22 A No. 12:53:03PM
23 Q This position is senior to the 12:53:05PM
24 position of sergeant, correct?
25 A Yes. 12:53:08PM
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1 GEORGE HESSE
2 Q Did any sergeant replace you? 12:53:08PM
3 A No. 12:53:14PM
4 Q To this day, has anybody replaced you 12:53:14PM
5 in the sergeant role? Is there a sergeant in
6 the Ocean Beach Police Department?
7 A No. 12:53:20PM
8 Q Has there been one since 12:53:21PM
9 January 28th of 2006?
10 A No. 12:53:24PM
11 Q Now that you have -- since January 20, 12:53:29PM
12 2006, you had the authority to hire and fire,
13 did you need board approval to do that?
14 A No. 12:53:37PM
15 Q Did you need approval of anyone to 12:53:41PM
16 hire and fire?
17 MR. CONNOLLY: Objection. 12:53:43PM
18 MR. NOVIKOFF: Yeah, I'm going to 12:53:44PM
19 object to that one.
20 A No. 12:53:47PM
21 Q When you became chief or deputy chief, 12:53:53PM
22 did your uniform change at all?
23 A Yes. 12:54:01PM
24 Q How did your uniform change? 12:54:01PM
25 A I removed the sergeant stripes and 12:54:03PM
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1 GEORGE HESSE
2 instead of a sergeant shield, I wore a chief
3 shield and stars on my collar.
4 Q And when did you change your uniform? 12:54:18PM
5 A Right after this designation. 12:54:24PM
6 Q Do you know who an Officer Betenhauser 12:54:33PM
7 is?
8 A Yes, I do. 12:54:36PM
9 Q And what is Officer Betenhauser's 12:54:38PM
10 title?
11 A Part-time seasonal police officer. 12:54:42PM
12 Q Has that always been his title at 12:54:45PM
13 Ocean Beach?
14 A No. 12:54:47PM
15 Q What other titles has Officer 12:54:47PM
16 Betenhauser held within Ocean Beach?
17 A Betenhauser? 12:54:52PM
18 Q Betenhauser, yes. 12:54:55PM
19 A Actually, yes. Thanks for reminding 12:54:57PM
20 me. He was promoted to a sergeant for six
21 months.
22 Q Who promoted him? 12:55:05PM
23 A I believe it was at a trustee's 12:55:07PM
24 meeting, they took a vote on it, but it came
25 from Loeffler, Joe Loeffler.
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1 GEORGE HESSE
2 Q Did he pass the sergeant's test, 12:55:17PM
3 Betenhauser?
4 MR. NOVIKOFF: Objection. 12:55:22PM
5 A Yes. 12:55:22PM
6 Q How come he only had the position for 12:55:23PM
7 six months?
8 A Because that's all that, I think, 12:55:26PM
9 Civil Service would allow in a part-time
10 seasonal position.
11 Q What's the basis of your understanding 12:55:31PM
12 of that?
13 A That's what I was told. 12:55:34PM
14 Q Did there come a point in time when 12:55:38PM
15 Civil Service questioned your role in a
16 supervisory capacity as being outside the title
17 of police officer?
18 MR. CALLAHAN: Objection to form. 12:55:48PM
19 MR. NOVIKOFF: Yeah, I join in. 12:55:50PM
20 A I'm aware of some discrepancies, but I 12:55:54PM
21 don't know exactly what it was.
22 Q When did you become aware of that? 12:56:01PM
23 A I believe a lot of it happened after 12:56:04PM
24 March 27th of 2007.
25 Q How did you become aware of it? 12:56:11PM
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1 GEORGE HESSE
2 A I believe I was sitting in an office 12:56:14PM
3 with Mayor Loeffler and Maryann Minerva in her
4 office, and I believe that Mayor Loeffler had
5 told me about some problems with the titles and
6 title issuing.
7 Q What did he tell you? 12:56:29PM
8 A I really -- I really don't recall 12:56:36PM
9 other than the fact that there was -- there's a
10 problem with the titles, my supervisory role.
11 Q What titles are you referring to? 12:56:45PM
12 A Deputy chief. 12:56:47PM
13 Q What problem did he tell you there 12:56:49PM
14 was?
15 A That -- technically, that the village 12:56:52PM
16 couldn't do what they did.
17 Q Okay. Just deputy chief or that 12:57:00PM
18 included sergeant promotion as well?
19 MR. NOVIKOFF: Objection. 12:57:04PM
20 A That included that also. 12:57:05PM
21 Q And he told you that? 12:57:06PM
22 A I don't recall. 12:57:09PM
23 Q Was anything done to rectify the 12:57:10PM
24 problem, the title problem?
25 MR. NOVIKOFF: Objection. 12:57:14PM
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1 GEORGE HESSE
2 A No. 12:57:15PM
3 Q Did he ever show you -- strike that. 12:57:21PM
4 Who had questioned or who had raised 12:57:24PM
5 the problem with the village with respect to the
6 titles?
7 MR. NOVIKOFF: Who was Mr. Hesse 12:57:31PM
8 advised of as to raising the issue?
9 MR. GOODSTADT: Yes. 12:57:37PM
10 BY MR. GOODSTADT: 12:57:37PM
11 Q Do you know how the village learned of 12:57:37PM
12 this alleged problem?
13 A I believe Civil Service. 12:57:40PM
14 Q And what's the basis of that belief? 12:57:42PM
15 A I believe that the mayor and maybe 12:57:44PM
16 even Ken Gray himself went to a meeting with the
17 county attorney and Civil Service, members of
18 Civil Service.
19 Q How did you learn of that meeting? 12:57:58PM
20 A I was told. 12:57:59PM
21 Q By who? 12:58:00PM
22 A Joe Loeffler. 12:58:01PM
23 Q What were you told was discussed at 12:58:02PM
24 that meeting?
25 A I don't recall, other than maybe my 12:58:05PM
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1 GEORGE HESSE
2 title issue.
3 Q Do you know when the meeting was held? 12:58:11PM
4 A I don't recall. 12:58:13PM
5 Q What was discussed with respect to 12:58:15PM
6 your title issue? What did they tell you was
7 discussed?
8 MR. CALLAHAN: Objection to form. 12:58:21PM
9 A Yeah, I don't -- that there's just a 12:58:23PM
10 problem with the supervisory role that they had
11 put me in.
12 Q Did they tell you it was out of title 12:58:35PM
13 to have the supervisory role?
14 MR. CALLAHAN: Objection. 12:58:42PM
15 MR. NOVIKOFF: Yeah, I just want to 12:58:44PM
16 caution you, Mr. Hesse, that any
17 conversations that you had with Mr. Gray in
18 his capacity as a village lawyer, I'm taking
19 the position as being confidential and
20 attorney-client privileged.
21 You can question him as to whether or 12:59:00PM
22 not it's appropriate, but --
23 MR. GOODSTADT: I'm not sure -- it may 12:59:06PM
24 be privileged. I'm not sure about
25 confidential.
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1 GEORGE HESSE
2 MR. NOVIKOFF: Well, then, fine, 12:59:12PM
3 privilege.
4 MR. GOODSTADT: There may be a certain 12:59:14PM
5 attorney-client privilege, which again I'm
6 not sure how appropriate it would be.
7 BY MR. GOODSTADT: 12:59:17PM
8 Q But just going back to the question -- 12:59:17PM
9 MR. GOODSTADT: Could you repeat the 12:59:19PM
10 question?
11 (Whereupon, the referred to portion 12:59:21PM
12 was read back by the court reporter: Did
13 they tell you it was out of title to have
14 the supervisory role?)
15 A Yes, that's the correct terminology. 12:59:34PM
16 Q Who told you that? 12:59:37PM
17 A I believe Joe Loeffler. 12:59:38PM
18 Q Did he tell you anything else about 12:59:42PM
19 the title problem other than for the fact that
20 your supervisory role was out of title?
21 A That's all I recall. 12:59:52PM
22 Q Did he show you the letter that came 12:59:53PM
23 or any letter that came from Civil Service with
24 respect to this issue?
25 A No. 12:59:59PM
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1 GEORGE HESSE
2 Q Do you recall -- you mentioned 12:59:59PM
3 March 27, 2007 this all came out. Why is that
4 date relevant?
5 A That's the date that I turned myself 1:00:08PM
6 in to the Suffolk County D.A.'s office for my
7 indictment.
8 Q When did you learn you were indicted? 1:00:13PM
9 A I believe within the week preceding 1:00:19PM
10 March 27th I had received a phone call from my
11 attorney.
12 Q Okay. And do you believe that the 1:00:26PM
13 issue with respect to the supervisory role being
14 out of title was connected with your indictment?
15 MR. CALLAHAN: Objection to form. 1:00:36PM
16 MR. NOVIKOFF: Objection. Same. 1:00:37PM
17 MR. CONNOLLY: Same. 1:00:38PM
18 A Yes. 1:00:39PM
19 MR. GOODSTADT: Mark that, please. 1:00:41PM
20 (Whereupon, A letter dated January 1:00:42PM
21 2007 was marked as Plaintiff's Exhibit 5 for
22 identification, as of this date.)
23 MR. GOODSTADT: I've placed in front 1:01:22PM
24 of Mr. Hesse what's been marked as Hesse 5.
25 It is a one-page letter from Allison Sanchez
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1 GEORGE HESSE
2 to Joseph Loeffler, Mayor, dated
3 January 4th, 2007. I don't believe it
4 contains a Bates number. (Hanging.)
5 BY MR. GOODSTADT: 1:01:42PM
6 Q Mr. Hesse, have you ever seen the 1:01:43PM
7 letter marked as Hesse 5?
8 A No. 1:01:49PM
9 Q So in January of '07 -- well, strike 1:01:50PM
10 that.
11 Do you recall whether this issue 1:01:53PM
12 reflected in this letter, being that your
13 supervisory capacity is outside of title, being
14 raised with you in January of '07?
15 A I don't recall. 1:02:06PM
16 Q So seeing the fact that this letter 1:02:07PM
17 came in January of '07, does that change your
18 belief that your indictment had something to do
19 with it?
20 A Well, according to the date, correct. 1:02:17PM
21 Q Did you ever speak with -- strike 1:02:19PM
22 that.
23 Do you know who Allison Sanchez is? 1:02:22PM
24 A Yes, I do. 1:02:24PM
25 Q Who was that? 1:02:25PM
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1 GEORGE HESSE
2 A She was the, I guess, account manager 1:02:25PM
3 in Civil Service that handled Ocean Beach.
4 Q Did you deal with her regularly with 1:02:31PM
5 respect to Civil Service matters in connection
6 with Ocean Beach?
7 MR. NOVIKOFF: Objection to form. 1:02:39PM
8 MR. CALLAHAN: Same. 1:02:41PM
9 MR. CONNOLLY: Same. 1:02:41PM
10 A Yes. 1:02:42PM
11 Q How frequently did you speak or 1:02:42PM
12 communicate with her starting in 2005 -- strike
13 that -- starting in January 2006, when you
14 received the deputy chief position?
15 MR. CALLAHAN: Objection to form. 1:02:57PM
16 A Actually, I was dealing with Allison 1:02:58PM
17 earlier than 2006.
18 Q Okay. When did you start dealing with 1:03:03PM
19 Allison Sanchez?
20 A I believe I started dealing with her 1:03:06PM
21 sometime in 2005.
22 Q With respect to what? 1:03:11PM
23 A The hiring and also correction of some 1:03:13PM
24 of the discrepancies with some of the police
25 officers that were working for us.
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1 GEORGE HESSE
2 Q Okay. And we'll discuss those 1:03:24PM
3 discrepancies going forward.
4 But did you ever discuss this issue in 1:03:28PM
5 this letter, the supervisory capacity being
6 outside of title with Allison Sanchez?
7 A I don't recall. 1:03:36PM
8 Q Now, as of January 4, 2007, your title 1:03:38PM
9 within the village or at least the one that you
10 had been appointed to, was it still deputy chief
11 or had you been promoted again at some point
12 after that?
13 A No. I think it was just always deputy 1:03:53PM
14 chief.
15 Q How about today, what's your title? 1:03:57PM
16 A It's still, I would assume, deputy 1:03:59PM
17 chief.
18 Q Have you ever been promoted to chief? 1:04:02PM
19 A Not officially, no. 1:04:04PM
20 Q Have you ever held yourself out to be 1:04:05PM
21 chief of police?
22 A Yes. 1:04:08PM
23 Q To the public? 1:04:08PM
24 A Yes. 1:04:09PM
25 Q People outside of Ocean Beach? 1:04:10PM
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1 GEORGE HESSE
2 A Yes. 1:04:12PM
3 Q To the State of New York, to 1:04:12PM
4 registries?
5 A Yes. 1:04:14PM
6 Q Why would you hold yourself out to the 1:04:19PM
7 State of New York registries as chief of police
8 when that's not your title?
9 MR. CONNOLLY: Objection to the form. 1:04:25PM
10 You can answer. 1:04:27PM
11 A The village gave me the designation as 1:04:30PM
12 deputy chief, therefore I'm a chief.
13 Q There's no difference between deputy 1:04:36PM
14 chief and chief of police?
15 MR. NOVIKOFF: Objection to form. 1:04:41PM
16 MR. CALLAHAN: Objection to form also. 1:04:43PM
17 MR. CONNOLLY: Join. 1:04:44PM
18 A There is a difference. 1:04:45PM
19 Q So why would you hold yourself out as 1:04:46PM
20 chief of police if the village designated you as
21 deputy chief?
22 A There's nobody to be the deputy to, so 1:04:49PM
23 therefore I am the chief.
24 Q So you appointed yourself chief 1:04:54PM
25 because nobody is the chief; is that correct?
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1 GEORGE HESSE
2 MR. NOVIKOFF: Objection to form. 1:04:58PM
3 MR. CONNOLLY: Join. 1:05:00PM
4 A Everybody calls me the chief. 1:05:01PM
5 Q So just going back to my question 1:05:04PM
6 before. Have you ever spoken with Allison
7 Sanchez about this issue?
8 MR. CALLAHAN: Objection to form. 1:05:11PM
9 MR. CONNOLLY: We're referring to the 1:05:12PM
10 out-of-title issue?
11 MR. GOODSTADT: Yeah, the out-of-title 1:05:14PM
12 issue that's reflected in Hesse 5.
13 A I don't recall. 1:05:17PM
14 Q Have you ever had any communication 1:05:18PM
15 with her about the out-of-title issue?
16 MR. CALLAHAN: As in 5? 1:05:24PM
17 MR. GOODSTADT: As in 5, yeah. 1:05:25PM
18 A With me? Pertaining to -- 1:05:27PM
19 Q With respect to your supervisory 1:05:29PM
20 capacity being outside of your title?
21 A I don't recall. 1:05:34PM
22 Q Do you still have your supervisory 1:05:35PM
23 capacity?
24 A Yes. 1:05:38PM
25 Q So has anything ever been done to 1:05:39PM
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1 GEORGE HESSE
2 correct the problem that they're raising in
3 Hesse 5?
4 MR. CALLAHAN: Objection to form. 1:05:45PM
5 MR. NOVIKOFF: Objection to form. 1:05:47PM
6 MR. CONNOLLY: Objection. 1:05:48PM
7 A As of right now, no. 1:05:49PM
8 Q Is anything scheduled to happen? 1:05:50PM
9 MR. CALLAHAN: Objection to form. 1:05:53PM
10 A I hope so. 1:05:54PM
11 Q What's scheduled to happen? 1:05:55PM
12 A Next -- what is it? June 14th is 1:05:56PM
13 the next sergeant's test.
14 Q Is there a chief's test? 1:06:00PM
15 A There is. 1:06:02PM
16 Q Are you scheduled to take that as 1:06:05PM
17 well?
18 A That just passed. No. 1:06:07PM
19 Q So you're in the chief role -- I just 1:06:12PM
20 want to be clear for the record. You're in the
21 chief role at Ocean Beach without ever passing
22 the sergeant's test and without ever passing the
23 chief's test, correct?
24 MR. CALLAHAN: Objection to form. 1:06:24PM
25 A Yes. 1:06:25PM
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1 GEORGE HESSE
2 Q Do you know whether Civil Service has 1:06:26PM
3 approved the continuation of your supervisory
4 capacity being outside of title?
5 MR. CALLAHAN: Objection to form. 1:06:39PM
6 A Unaware. 1:06:40PM
7 Q You don't know one way or the other? 1:06:40PM
8 A No. 1:06:40PM
9 Q Have you ever spoken to anyone in 1:06:41PM
10 Civil Service about that issue?
11 A No. 1:06:45PM
12 Q Just to be clear. It's your 1:06:55PM
13 understanding that subsequent to January 2006,
14 when you were designated deputy chief of police,
15 that you haven't been designated in any other
16 title by the board; is that correct?
17 A My employment status had changed as of 1:07:08PM
18 March 27th, 2007.
19 Q What did that change to? 1:07:15PM
20 A I was put on modified duty. 1:07:16PM
21 Q By who? 1:07:19PM
22 A I believe I received a letter from the 1:07:22PM
23 village, the village board, maybe Mayor Loeffler
24 himself.
25 Q And what did the modified duty change 1:07:31PM
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1 GEORGE HESSE
2 with respect to your position at Ocean Beach?
3 A Technically nothing. 1:07:42PM
4 Q What do you mean by technically 1:07:45PM
5 nothing?
6 A I was still in charge of the police 1:07:49PM
7 department. The only function I did not
8 regularly do was go on patrol. I was not to
9 wear a uniform. I turned in my weapon. And I
10 basically have done all the administrative work
11 in the department.
12 Q Did you ever put on your uniform 1:08:05PM
13 during the time that you were on modified duty?
14 A Yes. 1:08:12PM
15 Q How many times? 1:08:13PM
16 A Twice. 1:08:15PM
17 Q How come? 1:08:15PM
18 A One was for a graduation ceremony for 1:08:17PM
19 three part-time seasonal police officers I was
20 hiring at the time.
21 Q Was that Mills, Clemmons and Zois? 1:08:26PM
22 A No. It was Mills, Zois and I believe 1:08:31PM
23 Richard Tomanelli.
24 Q And what was the other time? 1:08:37PM
25 A The day that I hired or they got sworn 1:08:40PM
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1 GEORGE HESSE
2 in, Mills, Clemmons, and Zois was promoted to
3 full-time.
4 Q And other than for those two 1:08:51PM
5 occasions, did you put your uniform on at all
6 during the modified duty period?
7 A I don't recall if I did for any other 1:08:57PM
8 reason.
9 Q Did your title change during that 1:09:00PM
10 period?
11 A No. 1:09:03PM
12 Q Did Loeffler take over any of your 1:09:05PM
13 duties?
14 A No. 1:09:10PM
15 Q Do you still hold yourself out as 1:09:35PM
16 chief of police during the modified duty period?
17 A Yes. 1:09:41PM
18 Q And the village of Ocean Beach Police 1:09:43PM
19 Department, the letterhead, that identifies you
20 as chief of police?
21 A No. It just says police department 1:09:55PM
22 now under my name.
23 Q Did it ever identify you as chief of 1:09:57PM
24 police?
25 A Yes. 1:10:00PM
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1 GEORGE HESSE
2 Q And who created that letterhead? 1:10:00PM
3 A I did. 1:10:02PM
4 Q Did anyone approve it? 1:10:02PM
5 A No. 1:10:04PM
6 Q And you sent letters out on that 1:10:04PM
7 letterhead outside of Ocean Beach?
8 A Yes. 1:10:08PM
9 Q And why is it changed now to police 1:10:09PM
10 department as opposed to chief of police?
11 A Well, I was advised by Mayor Loeffler 1:10:15PM
12 that maybe I should take that off.
13 Q Did he tell you why you should take 1:10:19PM
14 that off?
15 A Because I'm working out of class. 1:10:22PM
16 Q When did he tell you that? 1:10:27PM
17 A I don't recall. 1:10:28PM
18 Q When did you change the letterhead? 1:10:29PM
19 A I don't recall. 1:10:32PM
20 Q Is there anything that would refresh 1:10:35PM
21 your recollection? Do you have a date on your
22 computer that you actually changed it?
23 A No. 1:10:42PM
24 Q Did you physically make the change? 1:10:43PM
25 A Yes. 1:10:45PM
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1 GEORGE HESSE
2 Q And what computer did you make the 1:10:46PM
3 change on?
4 A I don't know. 1:10:50PM
5 Q Was it in your office? 1:10:51PM
6 A Well, it's a shared office. 1:10:53PM
7 Q But it wasn't a computer at home, it 1:10:55PM
8 was one within the police department?
9 A Correct. 1:11:00PM
10 Q How many computers are in the office? 1:11:01PM
11 A Three. 1:11:02PM
12 Q Do you have one on your desk? 1:11:03PM
13 A Yes. 1:11:04PM
14 Q Where are the other two located? 1:11:05PM
15 A One is at the front desk and one is on 1:11:07PM
16 the back desk.
17 Q Do other officers have authority or 1:11:15PM
18 permission to use your computer?
19 MR. NOVIKOFF: Objection. 1:11:20PM
20 BY MR. GOODSTADT: 1:11:21PM
21 Q The one that's on your desk? 1:11:21PM
22 MR. NOVIKOFF: Compound. 1:11:24PM
23 A Sometimes. 1:11:24PM
24 Q Do they have to ask you first? 1:11:25PM
25 A Yes. 1:11:27PM
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1 GEORGE HESSE
2 Q Did you ever search that computer for 1:11:34PM
3 documents that may be relevant to this
4 litigation?
5 MR. NOVIKOFF: Objection to the form. 1:11:43PM
6 MR. CONNOLLY: Same objection. 1:11:44PM
7 MR. NOVIKOFF: Are you asking him to 1:11:46PM
8 form a legal conclusion as to what may be
9 relevant?
10 BY MR. GOODSTADT: 1:11:51PM
11 Q Did you ever search the computer in 1:11:51PM
12 connection with this case?
13 A I may have. 1:11:55PM
14 Q You don't recall one way or the other? 1:11:57PM
15 A No. 1:11:59PM
16 Q Do you know whether anybody searched 1:11:59PM
17 your computer to see if there were documents
18 that were relevant to this matter?
19 A No. 1:12:04PM
20 MR. NOVIKOFF: Objection. 1:12:05PM
21 A No. 1:12:06PM
22 Q Did anyone ever ask you to search your 1:12:07PM
23 computer?
24 MR. NOVIKOFF: In connection with this 1:12:10PM
25 lawsuit?
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1 GEORGE HESSE
2 MR. GOODSTADT: In connection with 1:12:13PM
3 this matter, yeah.
4 MR. NOVIKOFF: Sure. 1:12:15PM
5 A No. 1:12:16PM
6 Q Did you ever search your E-mail in 1:12:28PM
7 connection with this matter?
8 A I don't believe so. 1:12:34PM
9 Q Anyone ever ask you to search your 1:12:34PM
10 E-mail in connection with this matter?
11 A No. 1:12:38PM
12 MR. CONNOLLY: We're talking about his 1:12:39PM
13 work E-mail, correct?
14 BY MR. GOODSTADT: 1:12:41PM
15 Q Well, what's your work E-mail address? 1:12:42PM
16 A OBPD@villageofOceanBeach.org. 1:12:47PM
17 Q How long did you have that E-mail 1:12:53PM
18 address?
19 A You know, I don't know. I don't 1:12:56PM
20 recall.
21 Q Did you have an E-mail address for 1:13:00PM
22 work prior to OBPD@villageofOceanBeach.org?
23 A I had one that I used, yes. 1:13:10PM
24 Q What was that E-mail address? 1:13:10PM
25 A That was OBPD103@aol.com. 1:13:11PM
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1 GEORGE HESSE
2 Q And when did you have that E-mail 1:13:17PM
3 address? What was the file period?
4 A Probably from -- it's possible from 1:13:21PM
5 '95, when I got promoted. That's was shield
6 number, 103. Until the present.
7 Q Oh, so you still use that? 1:13:33PM
8 A Yes. 1:13:34PM
9 Q And you use the other one, too, 1:13:34PM
10 OBPD@villageofOceanBeach.org?
11 A Yes. 1:13:43PM
12 Q Did you search the OBPD103@aol 1:13:43PM
13 account --
14 A No. 1:13:45PM
15 Q -- in connection with this case? 1:13:45PM
16 A No. 1:13:47PM
17 Q Did you search the 1:13:47PM
18 OBPD@villageofOceanBeach.org E-mail in
19 connection with this matter?
20 A I don't believe so. 1:13:52PM
21 Q Do you know if anyone did? 1:13:52PM
22 A No, I don't know. 1:13:54PM
23 Q Do you use either of those 1:13:56PM
24 passwords from a home computer -- strike that.
25 Do you use either of those E-mail 1:14:00PM
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1 GEORGE HESSE
2 addresses from a home computer?
3 A Just the OBPD103. It's a personal 1:14:02PM
4 account.
5 Q Did you ever use any other personal 1:14:11PM
6 E-mail addresses?
7 A Sure. 1:14:15PM
8 Q Which ones? 1:14:15PM
9 A I have one that it's 1:14:17PM
10 BeachCop03@aol.com.
11 Q Any others? 1:14:28PM
12 A I have BeachCop03@yahoo.com. 1:14:30PM
13 Q Any others? 1:14:40PM
14 A Yeah. I had something for an 1:14:42PM
15 investigation. It's ILUVFI159@yahoo.com.
16 Q Does that stand for I love Fire 1:15:03PM
17 Island?
18 A Yes. 1:15:07PM
19 Q And what is the 159? 1:15:08PM
20 A I don't know. I just made up a 1:15:09PM
21 number.
22 Q Does anyone have a shield 159 at Ocean 1:15:11PM
23 Beach?
24 A No. 1:15:15PM
25 Q Any other E-mail addresses that you've 1:15:15PM
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1 GEORGE HESSE
2 used in the last 10 years, personal E-mail
3 addresses?
4 A I don't recall. 1:15:21PM
5 Q Did you search the BeachCop03@aol 1:15:21PM
6 E-mail address in connection with this case?
7 A No. 1:15:28PM
8 Q Did you search the 1:15:28PM
9 BeachCop03@yahoo.com in connection with this
10 matter?
11 A No. 1:15:34PM
12 Q Did you search the ILUVFI159@yahoo.com 1:15:34PM
13 E-mail address in connection with this matter?
14 A No. 1:15:43PM
15 Q Did anyone ask you to search those 1:15:43PM
16 three E-mail accounts?
17 A No. 1:15:47PM
18 MR. GOODSTADT: It's a good time to 1:16:01PM
19 take a break.
20 THE VIDEOGRAPHER: That is the end of 1:16:04PM
21 Tape No. 2. The time is now 1:16 p.m.
22 We are now off the record. 1:16:08PM
23 (Whereupon, a discussion was held off 1:16:09PM
24 the record.)
25 THE VIDEOGRAPHER: This is the start 2:04:42PM
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1 GEORGE HESSE
2 ever Tape No. 3.
3 The time is now 2:06 p.m. We are now 2:05:50PM
4 back on the record.
5 BY MR. GOODSTADT: 2:05:54PM
6 Q Mr. Hesse, prior to us breaking for 2:05:55PM
7 lunch, we discussed a Sergeant Betenhausen.
8 Do you remember that? 2:06:02PM
9 A Betenhauser, yes. 2:06:04PM
10 Q Betenhauser. 2:06:05PM
11 And you indicated that he passed the 2:06:05PM
12 sergeant's test; is that correct?
13 A Yes. 2:06:10PM
14 Q Did he pass the Suffolk County 2:06:10PM
15 sergeant's test or New York City sergeant's
16 test?
17 MR. NOVIKOFF: Objection. 2:06:16PM
18 A New York City. 2:06:16PM
19 Q Do you know whether that satisfies the 2:06:17PM
20 requirement to pass the test to be a sergeant in
21 Suffolk County?
22 MR. CALLAHAN: Objection to form. 2:06:21PM
23 MR. NOVIKOFF: Objection. 2:06:22PM
24 A I don't know. 2:06:23PM
25 Q So you don't know one way or the 2:06:24PM
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1 GEORGE HESSE
2 other?
3 A No. 2:06:26PM
4 Q I believe you testified that your 2:06:34PM
5 wife's name is Sharon, did you say?
6 A Shannon. 2:06:38PM
7 Q I apologize for that. Shannon. 2:06:38PM
8 How long have you been married? 2:06:40PM
9 A A little over 13 years. 2:06:41PM
10 Q Is she your first wife? 2:06:45PM
11 A Yes. 2:06:46PM
12 Q Have you ever cheated on her? 2:06:49PM
13 MR. CONNOLLY: Objection. 2:06:52PM
14 MR. NOVIKOFF: Whoa. Whoa. 2:06:53PM
15 MR. GOODSTADT: It's part of the 2:06:56PM
16 allegations in the case. You know it is.
17 MR. NOVIKOFF: Well, just because you 2:06:58PM
18 allege it in the case doesn't make it
19 relevant. But he's not my witness, so I
20 can't tell him not to answer or not.
21 MR. CONNOLLY: Objection. Do you want 2:07:05PM
22 to -- objection.
23 MR. GOODSTADT: You can mark it as 2:07:08PM
24 confidential, you can do what you want, but
25 it's certainly relevant.
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1 GEORGE HESSE
2 MR. NOVIKOFF: Well, like I said, it's 2:07:14PM
3 not my witness. I can't say anything.
4 MR. CONNOLLY: In terms of the 2:07:18PM
5 complaint?
6 MR. GOODSTADT: In terms of the 2:07:21PM
7 complaint.
8 MR. CONNOLLY: On duty? 2:07:22PM
9 MR. GOODSTADT: There are several 2:07:25PM
10 allegations with respect to that, yes.
11 MR. CONNOLLY: As to -- why don't you 2:07:29PM
12 ask him the allegation, you know, as
13 contained in the complaint.
14 MR. GOODSTADT: Well, because I'm 2:07:38PM
15 going to work my way to that. As
16 Mr. Novikoff likes to do, set a foundation.
17 Then I'll have an objection on foundation
18 grounds now.
19 MR. NOVIKOFF: Well, you could ask 2:07:51PM
20 him -- well, first of all, I'm staying out
21 of this.
22 You're not my witness. I would never 2:07:55PM
23 let you answer it, but it's not for me to
24 make that decision.
25 MR. CONNOLLY: Why don't we do it this 2:08:03PM
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1 GEORGE HESSE
2 way. I'm going to object. It's something
3 we can bring up to the judge when we bring
4 up other items. Why don't we continue.
5 He's coming back. You'll have an
6 opportunity.
7 MR. NOVIKOFF: And we do have an 2:08:17PM
8 appearance now on June 11th.
9 MR. GOODSTADT: Right. I saw that. I 2:08:21PM
10 saw that.
11 So you're instructing him not to 2:08:23PM
12 answer pending a --
13 MR. CONNOLLY: Guidance from the 2:08:26PM
14 court.
15 MR. GOODSTADT: Guidance from the 2:08:28PM
16 court?
17 MR. CONNOLLY: I mean, we do have a 2:08:29PM
18 lot of get through here.
19 MR. GOODSTADT: I understand. I 2:08:38PM
20 certainly understand that. I'm just trying
21 to figure out if we want to get on the phone
22 with the court right now. I think it's
23 relevant to this whole next line of
24 questioning.
25 MR. CONNOLLY: And again, this next 2:08:47PM
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1 GEORGE HESSE
2 line of questioning, I'm sure, is a portion
3 of a much further line of questioning that
4 we could segregate and address at a later
5 time if need be.
6 MR. GOODSTADT: Let me just ask him 2:09:01PM
7 questions, and then we'll figure out if I
8 need to get back to that question.
9 MR. NOVIKOFF: Okay. Okay. 2:09:06PM
10 BY MR. GOODSTADT: 2:09:13PM
11 Q Mr. Hesse, have you ever posted on any 2:09:14PM
12 social networking sites?
13 A Yes. 2:09:19PM
14 Q Okay. Which ones? 2:09:20PM
15 A Adult Friend Finder. Ashley 2:09:23PM
16 Madison.com. And I don't recall, there may have
17 been others. You know what, there is one more.
18 Loveinuniform.com.
19 Q L-O-V-E-I-N-U-N-I-F-O-R-M? 2:09:53PM
20 A Spell it again. 2:09:59PM
21 Q L-O-V-E-I-N-U-N-I-F-O-R-M.com? 2:10:00PM
22 A That sounds right. 2:10:06PM
23 Q Any others? 2:10:07PM
24 MR. CONNOLLY: Just note my continuing 2:10:08PM
25 objection to this line of questioning.
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1 GEORGE HESSE
2 MR. GOODSTADT: Sure. 2:10:11PM
3 A Not that I recall. I don't know. 2:10:11PM
4 Q Did you post on a site called -- I 2:10:13PM
5 don't know how to pronounce it. It's spelled
6 M-I-G-E-N-T-E.com?
7 A What is it? 2:10:20PM
8 Q Migente, M-I-G-E-N-T-E.com? 2:10:23PM
9 A Yes, actually I did for a short period 2:10:26PM
10 of time.
11 Q How about on a website called 2:10:31PM
12 Fubar.com, F-U-B-A-R?
13 A Yes. 2:10:36PM
14 Q How about on any Yahoo age-restricted 2:10:39PM
15 groups?
16 MR. CONNOLLY: Objection. 2:10:47PM
17 MR. NOVIKOFF: Yeah, I don't know what 2:10:48PM
18 that means.
19 BY MR. GOODSTADT: 2:10:50PM
20 Q A Solena_party Yahoo group, do you 2:10:50PM
21 recall posting on that? S-O-L-E-N-A_party.
22 A It's not a post. It's a group. 2:11:03PM
23 Q Have you ever posted on that site? 2:11:05PM
24 A No. 2:11:07PM
25 Q Sure about that? 2:11:08PM
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1 GEORGE HESSE
2 A I never posted anything that I recall 2:11:11PM
3 other than joining the group.
4 Q You don't recall posting any messages 2:11:18PM
5 on that site?
6 A I don't recall. 2:11:21PM
7 Q Okay. How about any AOL social groups 2:11:21PM
8 or networking groups?
9 A I don't know if AOL has any social 2:11:30PM
10 networking groups. It's a -- it's just a user
11 site. They have chat rooms and stuff like that.
12 Q What was the user name you used on 2:11:40PM
13 Adult Friend Finder?
14 A You know, I don't recall. 2:11:45PM
15 Q What E-mail address did you use? 2:11:48PM
16 A BeachCop03. 2:11:51PM
17 MR. NOVIKOFF: BeachCop what? 2:11:55PM
18 THE WITNESS: BeachCop03. 2:11:57PM
19 BY MR. GOODSTADT: 2:11:59PM
20 Q @aol.com? 2:11:59PM
21 A Yes. 2:12:01PM
22 Q What name did you use on 2:12:02PM
23 AshleySabrina.com?
24 A It wasn't Ashley Sabrina. 2:12:09PM
25 Q Oh, it wasn't? Ashley Madison. I 2:12:12PM
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1 GEORGE HESSE
2 apologize for that.
3 What user name did you use on that? 2:12:19PM
4 A It might be Copper103. 2:12:24PM
5 Q C-O-P-P-E-R 103? 2:12:28PM
6 A Yes. 2:12:30PM
7 Q And what E-mail address did you use? 2:12:31PM
8 A BeachCop103. 2:12:33PM
9 Q What user name did you use on 2:12:36PM
10 loveinuniform.com?
11 A That is, I believe BeachCopp with two 2:12:43PM
12 Ps at the end.
13 Q What E-mail address did you use? 2:12:48PM
14 A BeachCop03@aol.com. 2:12:50PM
15 MR. CONNOLLY: Andrew, I'm going to 2:12:58PM
16 cut this off at this point.
17 MR. GOODSTADT: How come? 2:13:01PM
18 MR. CONNOLLY: Where are you going 2:13:03PM
19 with it? There are allegations contained in
20 the complaint regarding chauffeuring my
21 client around.
22 MR. GOODSTADT: Yeah, to different 2:13:12PM
23 sexual escapades, right. I'm setting a
24 foundation that he's engaged in sexual
25 escapades. It certainly leads a lot of
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1 GEORGE HESSE
2 credibility toward the allegations, correct?
3 You have to --
4 MR. CONNOLLY: Why don't you ask him 2:13:28PM
5 questions limited to the complaint; and if
6 you need to, we'll bring this before the
7 court.
8 MR. GOODSTADT: Well, let me just go 2:13:36PM
9 back.
10 MR. NOVIKOFF: My only comment would 2:13:39PM
11 be that to the extent it's even relevant,
12 it's certainly not relevant after the date
13 that these officers were either not rehired
14 or fired, however we term that date to be.
15 But like I said, that's my only comment.
16 BY MR. GOODSTADT: 2:13:56PM
17 Q Well, did you ever post on any of 2:13:57PM
18 these social network sites from the police
19 station computers?
20 A I've checked E-mails. 2:14:03PM
21 Q Did you ever post any pictures of 2:14:07PM
22 yourself on these sites?
23 A Yes. 2:14:10PM
24 Q In uniform? 2:14:10PM
25 A Yes. 2:14:11PM
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1 GEORGE HESSE
2 Q In the Ocean Beach police uniform? 2:14:11PM
3 A Yes. 2:14:13PM
4 Q Did you notify anybody in the beach 2:14:20PM
5 that you were posting pictures of yourself on
6 these social websites in uniform?
7 MR. NOVIKOFF: Note my objection to 2:14:27PM
8 that question.
9 MR. CONNOLLY: Objection also. 2:14:28PM
10 A Did I -- I don't understand the 2:14:31PM
11 question.
12 Q Did you notify anyone at the beach, 2:14:32PM
13 the mayor, the board, Chief Paradiso when he was
14 there?
15 A No. 2:14:38PM
16 Q Do you know if there are any rules 2:14:41PM
17 regarding pictures of yourself in a uniform
18 anywhere or posing in a uniform for anything?
19 A Are there rules? 2:14:52PM
20 Q Are there any rules? 2:14:54PM
21 A Not that I'm aware of. 2:14:55PM
22 Q Did you ever send or respond to any 2:14:57PM
23 E-mails that you checked from the Ocean Beach
24 police computer?
25 A Yes. 2:15:23PM
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1 GEORGE HESSE
2 Q How many times? 2:15:24PM
3 A Oh, I don't know. 2:15:26PM
4 Q What years? 2:15:26PM
5 A I don't know. 2:15:28PM
6 Q Do you know when it started that you 2:15:29PM
7 first started checking E-mails at the police
8 station on any of these social network websites?
9 A When it started, no. 2:15:36PM
10 Q You don't recall what year? 2:15:38PM
11 A No. 2:15:40PM
12 Q Do you still check E-mails from any of 2:15:42PM
13 these websites?
14 A Yes. 2:15:45PM
15 Q Which ones? 2:15:45PM
16 A Ashley Madison and the loveinuniform 2:15:48PM
17 and Fubar.
18 MR. CONNOLLY: Objection to any 2:16:01PM
19 questioning since April 2nd, 2006 in this
20 regard.
21 MR. GOODSTADT: The objection, I don't 2:16:08PM
22 think it's a -- relevance is not a basis to
23 instruct the witness not to answer, you
24 know. We're more than willing to have your
25 objection on the record. We can bring it up
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1 GEORGE HESSE
2 to the court when we raise all these other
3 issues.
4 MR. CONNOLLY: It will be brought up 2:16:24PM
5 to the court.
6 MR. GOODSTADT: Right. Okay. 2:16:26PM
7 Now I'll suspended the questioning on 2:16:53PM
8 this. I just want to ask him what E-mail
9 addresses he used, and then I'll suspend
10 other questions on this pending our
11 discussion with the court. I just want on
12 the record what E-mail address were used, if
13 that's all right with you.
14 MR. CONNOLLY: Why don't we just refer 2:17:09PM
15 the questions to the court and move on.
16 We're coming back on the 16th. It's not
17 your only shot at the apple.
18 MR. GOODSTADT: I know. Why don't you 2:17:27PM
19 just give me a minute off the record just to
20 think about it and see how it plays into the
21 next set of questions.
22 THE VIDEOGRAPHER: The time is 2:17:39PM
23 2:17 p.m. We are now off the record.
24 (Whereupon, a discussion was held off 2:17:43PM
25 the record.)
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1 GEORGE HESSE
2 THE VIDEOGRAPHER: The time is now 2:28:13PM
3 2:28 p.m. We are now back on the record.
4 MR. GOODSTADT: Okay. Before we took 2:28:18PM
5 that break, Mr. Connolly and I conferred off
6 the record and decided that on this subject
7 I was going to ask just a limited number of
8 questions that we've agreed to, and it's
9 going to be certain topics that will be
10 subject to further discussion with the
11 court.
12 Is that acceptable, Mr. Connolly? 2:28:36PM
13 MR. CONNOLLY: That's acceptable. 2:28:38PM
14 BY MR. GOODSTADT: 2:28:39PM
15 Q Now, Mr. Hesse, have you ever met any 2:28:39PM
16 of the people that you've posted with or
17 E-mailed with on any social network site in
18 person?
19 A Yes. 2:28:51PM
20 MR. NOVIKOFF: Objection. 2:28:52PM
21 MR. CONNOLLY: Continuing objection. 2:28:53PM
22 BY MR. GOODSTADT: 2:28:54PM
23 Q And did you ever meet with any of 2:28:55PM
24 those people that you've E-mailed with or posted
25 with on these social network sites on Fire
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1 GEORGE HESSE
2 Island?
3 A No. 2:29:06PM
4 Q So it was off of Fire Island? 2:29:14PM
5 A Yes. 2:29:16PM
6 MR. NOVIKOFF: Objection. 2:29:17PM
7 MR. CONNOLLY: Objection. 2:29:18PM
8 MR. NOVIKOFF: If it's not on. 2:29:20PM
9 MR. GOODSTADT: I just want to make 2:29:21PM
10 sure.
11 BY MR. GOODSTADT: 2:29:24PM
12 Q And the pictures that you posted on 2:29:27PM
13 these sites, did you ever post them from the
14 police station computer? I just want to know
15 physically where you uploaded them from.
16 MR. CONNOLLY: Objection. 2:29:37PM
17 A I may have. 2:29:39PM
18 Q Okay. 2:29:40PM
19 MR. GOODSTADT: And again, the rest of 2:29:43PM
20 the questions will just be subject to motion
21 or discussion with the court.
22 BY MR. GOODSTADT: 2:29:52PM
23 Q Have you ever posted on Facebook? 2:29:53PM
24 A Yes. Yes. 2:29:55PM
25 Q Did you ever change any of your 2:29:55PM
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1 GEORGE HESSE
2 privacy settings in Facebook in your posting?
3 A Yes. 2:30:00PM
4 Q What did you change your privacy 2:30:00PM
5 settings to?
6 A From public to private. 2:30:03PM
7 Q And did you ever post on My Space? 2:30:14PM
8 A Yes. 2:30:16PM
9 Q Did you ever change your privacy 2:30:17PM
10 settings on myspace.com?
11 A I don't know if they had a way that 2:30:23PM
12 you can do that. I'm not sure.
13 Q What did you do, if anything, to 2:30:42PM
14 prepare for today's deposition?
15 A I met with my attorney on Monday and 2:30:47PM
16 Tuesday.
17 Q When you say your attorney, who are 2:30:50PM
18 you referring to?
19 A Mr. Connolly. 2:30:57PM
20 Q And where did you meet with him? 2:30:58PM
21 A In Westchester, at his office. 2:31:00PM
22 Q Who was present at the meeting? 2:31:03PM
23 A Just he and I. 2:31:05PM
24 Q How long did you meet with him? 2:31:08PM
25 Without telling me anything that you said to him
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1 GEORGE HESSE
2 or he said to you, how long did you meet with
3 him on each of those days?
4 MR. CONNOLLY: Exclusive of lunch, 2:31:17PM
5 breaks?
6 MR. GOODSTADT: Yeah. Just meeting 2:31:21PM
7 time. Either inclusive or exclusive.
8 A On Monday, I arrived at 9:30, and at 2:31:26PM
9 some point we took lunch, and I believe I left
10 somewhere around 5:00.
11 Q How about Tuesday? 2:31:36PM
12 A Tuesday I arrived at 9:30, and I 2:31:37PM
13 believe I left at 4:00.
14 Q Were you on the clock at the beach at 2:31:48PM
15 the time?
16 A Yes. 2:31:50PM
17 Q So you got paid for that -- those two 2:31:51PM
18 days?
19 A Yes. 2:31:53PM
20 Q Are you on the clock today for the 2:31:54PM
21 beach?
22 A Yes. 2:31:56PM
23 Q So you're getting paid for today as 2:31:56PM
24 well?
25 A Yes. 2:31:58PM
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1 GEORGE HESSE
2 Q And again, don't tell me anything that 2:32:04PM
3 you said to your attorney or your attorney said
4 to you. But did you review any documents in
5 preparation for today's deposition?
6 A Yes. 2:32:13PM
7 Q Did any of those documents refresh 2:32:14PM
8 your recollection as to any of the facts or
9 events that happened or that are alleged to have
10 happened in this case?
11 A No. 2:32:27PM
12 Q Did you speak with -- well, strike 2:32:36PM
13 that.
14 Have you ever -- other than for today, 2:32:39PM
15 sitting in this room, have you ever spoken to
16 any lawyers from Rivkin Radler in connection
17 with this matter?
18 MR. NOVIKOFF: Objection. Asked and 2:32:48PM
19 answered.
20 A No. 2:32:49PM
21 Q Did you speak with anybody -- any 2:32:52PM
22 current or former Ocean Beach employees in
23 preparation for today's deposition?
24 A No. 2:33:00PM
25 Q Did you tell anybody at the beach that 2:33:03PM
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1 GEORGE HESSE
2 you were coming today for the deposition?
3 A Yes. 2:33:06PM
4 Q Who did you tell? 2:33:07PM
5 A Ty Bacon, John -- Pat Cherry, Pat 2:33:10PM
6 Cherry, Jr., Joe Dediminico, Billy Bambrick,
7 Hank Clemmons, Michael Mills, John Zois. It's
8 possible a few other.
9 Q Did you tell Joe Loeffler? 2:33:43PM
10 A I told him I was scheduled for today, 2:33:47PM
11 yes.
12 Q Did you discuss anything else with him 2:33:55PM
13 about this case in that conversation --
14 A No. 2:33:59PM
15 Q -- other than the fact that you were 2:33:59PM
16 scheduled to come for a deposition?
17 A No. 2:34:03PM
18 Q How did you tell the other people, 2:34:04PM
19 Bacon, Cherry, Cherry junior, Dediminico, et
20 cetera? Did you tell them verbally or did you
21 send out an E-mail or a letter or memo or some
22 other way?
23 A Verbal. 2:34:16PM
24 Q Did you tell them all together or 2:34:16PM
25 separately?
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1 GEORGE HESSE
2 A Separately. 2:34:19PM
3 Q What did Bacon say when you told him 2:34:20PM
4 you were coming in for the deposition?
5 A Good luck. 2:34:25PM
6 Q Did you discuss the substance of the 2:34:26PM
7 claims at all with Bacon?
8 A No. 2:34:29PM
9 Q Did you ever discuss with Bacon 2:34:29PM
10 anything about his deposition that was taken in
11 this case?
12 A Just the fact that he had come and was 2:34:=
34PM
13 deposited.
14 Q Do you recall what he said about that? 2:34:37PM
15 A No. 2:34:41PM
16 Q So you don't recall anything 2:34:46PM
17 substantive about what he said other than for
18 the fact that he was deposited?
19 A No substance. 2:34:52PM
20 Q Did you ever review his transcript or 2:34:53PM
21 any excerpts of his transcript from this
22 deposition?
23 A No. 2:34:59PM
24 Q And when you told Pat Cherry that you 2:34:59PM
25 were coming in today, what did he say in that
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1 GEORGE HESSE
2 conversation?
3 A Good luck. 2:35:04PM
4 Q Anything else? 2:35:05PM
5 A No. 2:35:06PM
6 Q Did you discuss the substance of the 2:35:06PM
7 claims or allegations in this case with him?
8 A No. 2:35:11PM
9 Q Did you ever discuss with Pat Cherry 2:35:11PM
10 anything about his deposition that was taken in
11 this case?
12 A No. 2:35:17PM
13 Q Did he tell you that he was coming for 2:35:19PM
14 a deposition?
15 A Yes. 2:35:21PM
16 Q Did you speak to him after his 2:35:22PM
17 deposition?
18 A Yes. 2:35:24PM
19 Q About the deposition? 2:35:24PM
20 A Yes. 2:35:25PM
21 Q And what did he say about it? 2:35:25PM
22 A He said it went all right. 2:35:27PM
23 Q Anything else? 2:35:29PM
24 A No. 2:35:29PM
25 Q Did you discuss the substance at all, 2:35:30PM
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1 GEORGE HESSE
2 any of the questions that were asked?
3 A No. 2:35:34PM
4 Q Did you ever review his transcript or 2:35:35PM
5 any excerpts from his transcript from the
6 deposition in this case?
7 A Yes. 2:35:41PM
8 Q When did you do that? 2:35:42PM
9 A I don't know the exact date, but I had 2:35:44PM
10 requested since I wasn't going to be present for
11 the depositions, if Mr. Connolly could send me a
12 copy so I could just look at them.
13 Q Of just Cherry's or everybody's? 2:35:55PM
14 A Of everybody's. 2:35:58PM
15 Q So you reviewed everybody's deposition 2:35:59PM
16 transcripts in this case?
17 A No. 2:36:02PM
18 Q Which ones have you reviewed? 2:36:03PM
19 A I have read Mr. Snyder's. I've read 2:36:04PM
20 Kevin Lamm's. I read Joe Nofi's. I read Eddie
21 Carter's. I read Maryann Minerva's. I read I
22 think the first half of Natalie Rogers. That
23 may be it.
24 Q Did you read Joe Loeffler's? 2:36:41PM
25 A No. 2:36:44PM
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1 GEORGE HESSE
2 Q Did you read Allison Sanchez? 2:36:44PM
3 A No. 2:36:46PM
4 Q Did you speak with Minerva about her 2:36:47PM
5 deposition?
6 MR. NOVIKOFF: Before or after? 2:36:51PM
7 MR. GOODSTADT: Either. 2:36:52PM
8 MR. NOVIKOFF: Okay. 2:36:54PM
9 MR. GOODSTADT: I'm trying to truncate 2:36:55PM
10 some of the questions.
11 A Yes. 2:36:57PM
12 Q Before or after? 2:36:58PM
13 A Before and after. 2:36:59PM
14 Q What did you discuss with her before 2:36:59PM
15 her deposition?
16 A Just the fact that she was coming. 2:37:02PM
17 Q Have you ever discussed -- before her 2:37:04PM
18 deposition, did you ever discuss the substance
19 of any of the allegations made in the complaint?
20 A Just like I said previous, that it was 2:37:11PM
21 baseless.
22 Q But nothing specific about any of the 2:37:13PM
23 specific allegations?
24 A Nothing specific, no. 2:37:17PM
25 Q Okay. And did you speak with her 2:37:18PM
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1 GEORGE HESSE
2 after the deposition --
3 A Yes. 2:37:23PM
4 Q -- as well? 2:37:23PM
5 And when did you speak with her after 2:37:24PM
6 her deposition?
7 A Maybe a day or two after. 2:37:27PM
8 Q And what did she say in that 2:37:29PM
9 conversation?
10 A Other than she had to go to the city, 2:37:34PM
11 she had a headache and that she felt slightly
12 intimidated by Mr. Fiorillo, that was it.
13 Q Did she tell you anything 2:37:45PM
14 substantively about her deposition?
15 A No. 2:37:48PM
16 Q How about Natalie Rogers, did you ever 2:37:52PM
17 speak to her about her deposition?
18 A No. 2:37:57PM
19 Q Did you ever speak with Joe Loeffler 2:37:59PM
20 about his deposition?
21 A No, other than the fact that he came 2:38:03PM
22 and took -- and gave his deposition.
23 Q You didn't speak anything 2:38:07PM
24 substantive -- you didn't speak anything with
25 him about the substance of his deposition?
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1 GEORGE HESSE
2 A No. 2:38:13PM
3 Q Did you speak with -- strike that. 2:38:15PM
4 Did you read the transcript of Gary 2:38:18PM
5 Bosetti's deposition?
6 A No. 2:38:21PM
7 Q How about Richard Bosetti's 2:38:22PM
8 deposition?
9 A No. I haven't received them. 2:38:24PM
10 Q Have you spoken with either of them 2:38:25PM
11 about their depositions?
12 A Just Gary, as far as him just coming 2:38:28PM
13 to give his deposition. And Richie also. I'm
14 sorry, yes.
15 Q Before they took their depositions or 2:38:36PM
16 after?
17 A I believe they -- Gary had called me 2:38:38PM
18 just to advise me that he was coming in and Gary
19 himself called me again to tell me that Richie
20 was going in, and then he called me to tell me
21 that either he was done or his brother was done.
22 Q Did he tell you anything substantively 2:38:53PM
23 about their depositions?
24 A No. 2:38:57PM
25 Q Did you see the Bosettis in the 2:38:57PM
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1 GEORGE HESSE
2 hospital after Rich Bosetti was in a motorcycle
3 accident?
4 A Yes, I did. 2:39:04PM
5 Q Did you discuss anything at all about 2:39:05PM
6 this case with them at that time?
7 A No. 2:39:09PM
8 Q Did you discuss anything about their 2:39:10PM
9 depositions with them at that time?
10 A No. 2:39:12PM
11 Q Did you ever read Allison Sanchez's 2:39:16PM
12 transcript?
13 A I don't believe I received hers 2:39:21PM
14 either.
15 Q Have you spoken with Ms. Sanchez at 2:39:22PM
16 all about her deposition?
17 A Very briefly, yes. 2:39:26PM
18 Q When did you speak to her? 2:39:27PM
19 A I ran into her in Riverhead court one 2:39:29PM
20 day. I don't remember the specific day. And
21 she just said that he had come to the
22 deposition, and that was it. I introduced her
23 to my wife, and we just chatted for a little
24 bit.
25 Q Did you tell her -- strike that. 2:39:43PM
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1 GEORGE HESSE
2 Did she tell you anything substantive 2:39:45PM
3 about her deposition?
4 A The only thing that she did mention 2:39:48PM
5 was the part about sexual relations between me
6 and her, and she said she threw up in her mouth
7 and she laughed.
8 MR. NOVIKOFF: She actually did throw 2:39:58PM
9 up.
10 A She thought it was a joke. 2:40:01PM
11 Q Did she say anything else about her 2:40:05PM
12 deposition?
13 A No. Our conversation was actually 2:40:08PM
14 pretty brief. She had a -- she's a parole
15 officer now. So she had to move on and do her
16 job, I guess. I don't know.
17 Q After you received the complaint in 2:40:20PM
18 this case, did you ever discuss the substantive
19 allegations with Allison Sanchez?
20 A I believe that we did discuss the 2:40:27PM
21 allegation of us having a sexual relationship.
22 That would be it.
23 Q When did you have that discussion? 2:40:33PM
24 A I don't recall. 2:40:34PM
25 Q What was the substance of that 2:40:39PM
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1 GEORGE HESSE
2 discussion?
3 A How funny it was that somebody would 2:40:42PM
4 make an allegation like that.
5 Q Anything else that you discussed about 2:40:49PM
6 that allegation?
7 A Yeah. She said that she couldn't 2:40:56PM
8 believe that the allegation was made by these
9 individuals, especially since they were in her
10 office and they saw pictures of her partner on
11 the wall, that these guys must not be very good
12 investigators.
13 Q What do you mean by that, saw pictures 2:41:12PM
14 of her on the wall?
15 MR. NOVIKOFF: What does he mean by 2:41:18PM
16 that?
17 BY MR. GOODSTADT: 2:41:20PM
18 Q Do you know what she meant by that? 2:41:20PM
19 MR. CALLAHAN: Objection to form. 2:41:23PM
20 A By the fact that they were in her 2:41:24PM
21 office and she had pictures of her partner all
22 over the place.
23 Q And how did she reach the conclusion, 2:41:31PM
24 if you know, that they weren't very good
25 investigators?
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1 GEORGE HESSE
2 MR. CALLAHAN: Objection to form. 2:41:42PM
3 MR. NOVIKOFF: Yeah, I join in. 2:41:43PM
4 A She flat out said that she didn't 2:41:44PM
5 think they were smart cops.
6 Q And her conclusion was based on the 2:41:48PM
7 fact that --
8 MR. CALLAHAN: Objection to form. 2:41:52PM
9 MR. GOODSTADT: We're objecting now 2:41:54PM
10 before questions are even asked?
11 MR. CALLAHAN: I thought you were 2:42:11PM
12 done.
13 MR. GOODSTADT: No, I wasn't. 2:42:12PM
14 MR. NOVIKOFF: Just note my objection 2:42:15PM
15 to all the questions.
16 MR. GOODSTADT: Welch can step in. 2:42:21PM
17 BY MR. GOODSTADT: 2:42:28PM
18 Q Do you know what her conclusion was 2:42:28PM
19 based on?
20 MR. CALLAHAN: Objection to form. 2:42:31PM
21 MR. NOVIKOFF: I join. 2:42:33PM
22 A I would say it was based on the fact 2:42:34PM
23 that they made this allegation that I had sexual
24 relations with her, when she was, in fact, a
25 lesbian.
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1 GEORGE HESSE
2 Q Does the fact that she's a lesbian 2:42:44PM
3 preclude that allegation from being true?
4 MR. CALLAHAN: Objection to form. 2:42:45PM
5 MR. NOVIKOFF: Physically? 2:42:46PM
6 MR. GOODSTADT: Yeah. 2:42:48PM
7 MR. NOVIKOFF: I think the record 2:42:48PM
8 could reflect that we can all stipulate that
9 lesbians can have sex with men.
10 MR. GOODSTADT: Okay. 2:42:55PM
11 BY MR. GOODSTADT: 2:42:55PM
12 Q You testified when you were a 2:43:00PM
13 sergeant, that your tours were on Friday,
14 Saturday nights; is that correct?
15 A Correct. 2:43:09PM
16 Q And you were the most senior officer 2:43:10PM
17 on that tour?
18 A Yes. 2:43:13PM
19 Q Now, if an officer on your tour had a 2:43:16PM
20 problem or a complaint in the chain of the
21 command, would they come to you with that
22 problem or complaint?
23 A If they were working a tour with me 2:43:26PM
24 they would probably come right to me first.
25 Q That's the way the chain of command 2:43:31PM
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1 GEORGE HESSE
2 works?
3 A Sure. 2:43:33PM
4 Q And did you ever hear Paradiso tell 2:43:37PM
5 the officers in Ocean Beach or any officer in
6 Ocean Beach that what happens on my tour, I'm
7 handling; what happens on officer Hesse's tour
8 he handles?
9 A I never heard that. 2:43:51PM
10 Q You never heard that. 2:43:53PM
11 Was there a set -- let's go to 2003. 2:44:03PM
12 Was there a set group of guys that were on your
13 tour?
14 A I would say yes, but it fluctuated 2:44:13PM
15 from day to day.
16 Q Who generally would be on your tour, 2:44:16PM
17 the core group?
18 A 2003, I'd have to look at the 2:44:19PM
19 schedule. I don't know.
20 Q Was Ed Carter on your tour a lot in 2:44:24PM
21 '03?
22 A Sometimes. 2:44:29PM
23 Q How about Tom Snyder? 2:44:29PM
24 A Sometimes. 2:44:31PM
25 Q Joe Nofi? 2:44:33PM
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1 GEORGE HESSE
2 A Sometimes. 2:44:34PM
3 Q Kevin Lamm? 2:44:35PM
4 A Sometimes. 2:44:36PM
5 Q How about Frank Fiorillo? 2:44:38PM
6 A And sometimes, yeah. 2:44:39PM
7 Q How about in '04, was Carter on your 2:44:42PM
8 tour a lot?
9 MR. NOVIKOFF: Objection. 2:44:46PM
10 What do you mean by a lot? 2:44:48PM
11 MR. GOODSTADT: Well, I think I asked 2:44:50PM
12 if there was a set group of guys, and he
13 said generally there were, but it
14 fluctuated.
15 BY MR. GOODSTADT: 2:44:56PM
16 Q So would Carter be one of the general 2:44:56PM
17 group of guys that were on your tour in '04?
18 A Sometimes. 2:45:03PM
19 Q How about Snyder? 2:45:03PM
20 A Sometimes. 2:45:04PM
21 Q Nofi? 2:45:05PM
22 A Sometimes. 2:45:05PM
23 Q Lamm? 2:45:06PM
24 A Sometimes. 2:45:07PM
25 Q Fiorillo? 2:45:08PM
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1 GEORGE HESSE
2 A Sometimes. 2:45:08PM
3 Q How about in '03, would Gary Bosetti? 2:45:09PM
4 A Very rarely, but sometimes, yeah. 2:45:12PM
5 Q How about Rich Bosetti? 2:45:14PM
6 A Same thing, sometimes. 2:45:16PM
7 Q What tour did they generally work in 2:45:17PM
8 '03?
9 A They always worked -- they pretty much 2:45:21PM
10 always worked 4 to 12s.
11 Q And was your tour in '03 generally on 2:45:27PM
12 Fridays and Saturdays?
13 A Friday and Saturday, 9 at night until 2:45:31PM
14 5 in the morning.
15 Q So your tours would overlap -- 2:45:34PM
16 A Sometimes. 2:45:34PM
17 Q -- generally? 2:45:34PM
18 What was Carter's tour generally in 2:45:35PM
19 '03?
20 A Most of the time, I believe he worked 2:45:38PM
21 midnights from -- sorry. From midnight till
22 eight in the morning.
23 Q So, again, you'd overlap with him? 2:45:46PM
24 A Sure. 2:45:48PM
25 Q Snyder, do you know what his tour 2:45:49PM
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1 GEORGE HESSE
2 generally was in '03?
3 A Generally it was midnights. 2:45:52PM
4 Q How about Nofi? 2:45:53PM
5 A Nofi fluctuated around a little bit. 2:45:56PM
6 Sometimes it was nine at night till five in the
7 morning. Sometimes it was four to 12.
8 Sometimes it was midnights.
9 Q So sometimes he had the same tour as 2:46:06PM
10 you and sometimes he overlapped?
11 A Sometimes. 2:46:12PM
12 Q How about Lamm? 2:46:13PM
13 A Lamm also worked a majority of 2:46:14PM
14 midnights, midnight to eight in the morning.
15 Sometimes he worked at nine at night till five
16 in the morning.
17 Q And Fiorillo? 2:46:23PM
18 A Fiorillo worked some doubles, I 2:46:25PM
19 believe. He did some maybe some 4 to 12s. He
20 did some day tours. He did night tours. He was
21 on the schedule quite often.
22 MR. NOVIKOFF: And we're talking about 2:46:39PM
23 in season now.
24 MR. GOODSTADT: In season, yeah. 2:46:41PM
25
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1 GEORGE HESSE
2 BY MR. GOODSTADT: 2:46:42PM
3 Q How about in '04, did that change at 2:46:43PM
4 all?
5 A No. 2:46:45PM
6 Q Same thing with Gary and Rich Bosetti, 2:46:46PM
7 generally they worked the 4-to-12 tour?
8 A Yeah. 2:46:49PM
9 Q How about '05, did that change at all? 2:46:49PM
10 A No. 2:46:52PM
11 Q In '03, '04 and '05, you generally did 2:46:52PM
12 the 9 to 5?
13 A On Fridays and Saturdays. 2:46:57PM
14 Q Fridays and Saturdays? 2:46:59PM
15 A Yes. 2:47:01PM
16 Q When was the change? That was in '02? 2:47:02PM
17 A Which change? 2:47:04PM
18 Q I think you testified before that 2:47:06PM
19 Paradiso was flipped to your tours, you were
20 flipped to his tours due to some discipline of
21 his?
22 A Yeah, it might have been 2002. I'd 2:47:16PM
23 have to go through the records and the schedules
24 to see exactly what the dates were. I don't
25 know.

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1 GEORGE HESSE
2 Q You never heard that that switch was 2:47:24PM
3 done to discipline you?
4 A Absolutely not. 2:47:28PM
5 MR. NOVIKOFF: Andrew, I think -- your 2:47:39PM
6 question was did he ever hear that switch --
7 MR. GOODSTADT: Did anyone tell him. 2:47:42PM
8 MR. NOVIKOFF: -- or was, in his 2:47:43PM
9 opinion, the switch?
10 MR. GOODSTADT: Well, did anyone ever 2:47:45PM
11 tell him that the switch was due to
12 discipline.
13 MR. NOVIKOFF: And I think the witness 2:47:47PM
14 answered my latter question as opposed to
15 the first question.
16 MR. GOODSTADT: Okay. 2:47:51PM
17 BY MR. GOODSTADT: 2:47:52PM
18 Q Did you ever hear -- did anyone ever 2:47:52PM
19 tell you that the switch was done to discipline
20 you as opposed to disciplining Paradiso?
21 A No. 2:48:02PM
22 Q Have you ever heard that allegation 2:48:03PM
23 made?
24 A No. 2:48:05PM
25 Q And I assume that means that your 2:48:10PM

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1 GEORGE HESSE
2 opinion was the reason that you testified
3 before, that it was to discipline Paradiso,
4 correct?
5 A Correct. 2:48:15PM
6 Q Now, let's go back to Allison Sanchez. 2:48:22PM
7 She was also called Allison Chester at one
8 point, right?
9 A Yes. 2:48:27PM
10 Q Okay. So when I say Allison Sanchez, 2:48:26PM
11 I'm referring to the same person regardless of
12 what her last name is; is that fair?
13 A Understood. 2:48:31PM
14 Q Did you generally deal with her over 2:48:32PM
15 the phone, in person, E-mail, letters, or which
16 way is it generally?
17 MR. NOVIKOFF: Objection to form. 2:48:40PM
18 MR. CALLAHAN: Objection to form. 2:48:42PM
19 A On the phone. 2:48:44PM
20 Q How many times did you interact with 2:48:46PM
21 her in person?
22 A Three, four times. 2:48:58PM
23 Q Why don't we just start with the first 2:49:04PM
24 time. Where was it?
25 A At her office. 2:49:08PM

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1 GEORGE HESSE
2 Q Do you recall when that was, what 2:49:12PM
3 year?
4 A It was probably in 2005. 2:49:16PM
5 Q Had you ever met her prior to that 2:49:23PM
6 time?
7 A No. 2:49:26PM
8 Q Had you ever spoken to her prior to 2:49:27PM
9 that meeting in the office in '05?
10 A I believe by then we had a 2:49:31PM
11 professional rapport on the phone.
12 Q And had you ever seen her prior to 2:49:37PM
13 that? I know you may not have met her, but had
14 you ever seen her around or in passing?
15 A No. 2:49:45PM
16 Q So you didn't recognize her when you 2:49:45PM
17 first saw her in '05 in her office?
18 MR. NOVIKOFF: Objection. 2:49:50PM
19 MR. GOODSTADT: Yeah, I shouldn't say 2:49:51PM
20 when you first saw her.
21 MR. NOVIKOFF: I mean, I would presume 2:49:54PM
22 that if he met her in her office, she has a
23 name plate saying Allison Sanchez.
24 MR. GOODSTADT: I'm talking about 2:49:59PM
25 recognizing the face.

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1 GEORGE HESSE
2 BY MR. GOODSTADT: 2:50:00PM
3 Q Did you recognize the face when you 2:50:01PM
4 went into her office in 2005 as someone that you
5 may have seen around?
6 A No. 2:50:06PM
7 Q And what were you dealing with her 2:50:11PM
8 when you met in her office in '05?
9 A I believe I had to go there to drop 2:50:14PM
10 off some paperwork, have some paperwork signed.
11 Q With respect to what? 2:50:20PM
12 A There are forms that have to be signed 2:50:21PM
13 by the -- I forget what the actual name of the
14 form is, but it's a form that gets sent to the
15 New York State registry for police officers.
16 The police officer signs it that's getting
17 hired. The supervisor of the police department
18 signs it. A representative from Civil Service
19 signs it. And I believe the oath of office,
20 which I believe at that time was Maryann Minerva
21 would have to sign that form.
22 Q And you signed that form that you 2:50:52PM
23 dropped off?
24 A Yes. 2:50:54PM
25 Q Did you sign it as chief of police? 2:50:54PM
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1 GEORGE HESSE
2 A At that time, no. 2:50:57PM
3 Q Deputy chief of police? 2:50:57PM
4 A No. 2:50:59PM
5 Q Sergeant? 2:50:59PM
6 A Sergeant. 2:51:00PM
7 Q Why did you sign as opposed to 2:51:01PM
8 Paradiso?
9 A Because he told me to take care of the 2:51:06PM
10 paperwork, so that's what I did.
11 Q So at least as of 2005, Allison 2:51:13PM
12 Sanchez was on notice that you had the title
13 sergeant; is that correct?
14 MR. CALLAHAN: Objection to form. 2:51:21PM
15 MR. NOVIKOFF: Objection. 2:51:22PM
16 MR. CONNOLLY: Objection. 2:51:23PM
17 A Am I aware if she was aware? 2:51:25PM
18 Q You had the paperwork that you showed 2:51:27PM
19 her, correct?
20 A Yeah. 2:51:29PM
21 Q You had signed off as sergeant, 2:51:30PM
22 correct?
23 A Correct. 2:51:32PM
24 Q Had you sent any other paperwork to 2:51:32PM
25 her prior to that signing off as sergeant?
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1 GEORGE HESSE
2 A I don't know if I sent anything 2:51:38PM
3 through the mail to her.
4 Q Had you ever sent her any memos or 2:51:45PM
5 E-mails where you signed off as sergeant,
6 whether it's through the mail or not?
7 A I may have. I don't recall. 2:51:53PM
8 Q Did you ever send her any paperwork 2:51:55PM
9 that had you signed off as chief, whether it be
10 on the letterhead or your signature block?
11 A I don't know. That might have been -- 2:52:03PM
12 I might have been appointed after she was gone.
13 I don't know.
14 Q When was the second time you met with 2:52:09PM
15 her in person?
16 A I believe she came to the village one 2:52:13PM
17 day.
18 Q When was that? What year? 2:52:15PM
19 A It might have been in 2005. 2:52:17PM
20 Q And did she come to see you or did she 2:52:25PM
21 just happen to be there?
22 MR. CALLAHAN: Objection to form. 2:52:29PM
23 A She did not come to see me, no. 2:52:30PM
24 Q She just was visiting Ocean Beach? 2:52:32PM
25 MR. CALLAHAN: Objection to form. 2:52:35PM
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1 GEORGE HESSE
2 A She was there on business. 2:52:36PM
3 Q On business? 2:52:37PM
4 A Yes. 2:52:38PM
5 Q And you met with her when she was 2:52:38PM
6 there on business?
7 A I ran into her. 2:52:42PM
8 Q Did you have any conversation with 2:52:43PM
9 her?
10 A Just there was probably -- I remember 2:52:44PM
11 there was a brief hello.
12 Q Do you recall the substance of that 2:52:48PM
13 conversation at all?
14 A Hello. 2:52:50PM
15 Q Other than for hello? 2:52:50PM
16 A No. 2:52:51PM
17 Q That was it? Where did you run into 2:52:52PM
18 her?
19 A In the village office. 2:52:54PM
20 Q Do you know what she was doing on the 2:52:57PM
21 beach, what business she was there for?
22 A I believe she was there for some other 2:53:02PM
23 Civil Service issues that required her
24 attention, and she was meeting with Mary Ann
25 Minerva.
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<p>1 GEORGE HESSE</p> <p>2 Q Do you know what the issues were? 2:53:14PM</p> <p>3 A No. 2:53:15PM</p> <p>4 Q So how did you know she was meeting 2:53:18PM</p> <p>5 with Maryann Minerva to discuss Civil Service</p> <p>6 issues?</p> <p>7 A She was an employee of Civil Service, 2:53:25PM</p> <p>8 she was there on business and Maryann Minerva is</p> <p>9 the superintendent of the village.</p> <p>10 Q Did you ask Maryann what the issues 2:53:31PM</p> <p>11 were that she was there for?</p> <p>12 A I don't recall. 2:53:31PM</p> <p>13 Q Do you recall what month in '05 this 2:53:34PM</p> <p>14 was?</p> <p>15 A I don't. 2:53:36PM</p> <p>16 Q Did you ask Sanchez what she was doing 2:53:37PM</p> <p>17 there?</p> <p>18 A I don't recall. 2:53:41PM</p> <p>19 Q And sitting here today, you don't know 2:53:43PM</p> <p>20 what they were discussing?</p> <p>21 MR. NOVIKOFF: Objection. 2:53:47PM</p> <p>22 A No. 2:53:47PM</p> <p>23 Q What was the third time you dealt with 2:53:49PM</p> <p>24 her face to face?</p> <p>25 A I ran into her one day. 2:53:53PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 GEORGE HESSE</p> <p>2 Q Where was that? 2:53:56PM</p> <p>3 A It was in Cherry Grove, Fire Island. 2:53:57PM</p> <p>4 Q Was she there on business? 2:54:04PM</p> <p>5 A No. 2:54:06PM</p> <p>6 Q She was there for pleasure? 2:54:06PM</p> <p>7 A Yes. 2:54:07PM</p> <p>8 Q And did you speak with her at all when 2:54:08PM</p> <p>9 you ran into her?</p> <p>10 A Yes. 2:54:12PM</p> <p>11 Q What was the substance of that 2:54:12PM</p> <p>12 conversation?</p> <p>13 A I don't recall. 2:54:16PM</p> <p>14 Q When was the conversation? 2:54:17PM</p> <p>15 A It was -- I don't have the exact date. 2:54:19PM</p> <p>16 Q What year was it? 2:54:24PM</p> <p>17 A It was in August of 2005, the first 2:54:27PM</p> <p>18 Wednesday in August of 2005.</p> <p>19 Q And what was the substance of the 2:54:51PM</p> <p>20 conversation you had with her?</p> <p>21 A It was purely social. 2:54:54PM</p> <p>22 Q Do you recall what you discussed? 2:54:56PM</p> <p>23 A No. 2:54:57PM</p> <p>24 Q Do you recall anything you discussed? 2:54:58PM</p> <p>25 A No. 2:54:59PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
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<p>1 GEORGE HESSE</p> <p>2 Q How long was the conversation? 2:54:59PM</p> <p>3 A Half hour, 45 minutes. 2:55:04PM</p> <p>4 Q Where was it? I know it was in Cherry 2:55:10PM</p> <p>5 Grove, but where in Cherry Grove?</p> <p>6 A It was at a bar, Ice Palace. 2:55:14PM</p> <p>7 Q Were you on duty? 2:55:24PM</p> <p>8 A No. 2:55:25PM</p> <p>9 Q Did you have any alcoholic beverages 2:55:30PM</p> <p>10 while you were there?</p> <p>11 A Yes. 2:55:33PM</p> <p>12 Q How many? 2:55:34PM</p> <p>13 A I don't know. Four. 2:55:36PM</p> <p>14 Q Did she have any alcoholic beverages? 2:55:38PM</p> <p>15 A Yes. 2:55:40PM</p> <p>16 Q How many? 2:55:40PM</p> <p>17 A I don't know. 2:55:41PM</p> <p>18 Q More than one? 2:55:43PM</p> <p>19 A It's possible. 2:55:46PM</p> <p>20 Q More than two? 2:55:47PM</p> <p>21 A It's possible. 2:55:48PM</p> <p>22 Q More than three? 2:55:48PM</p> <p>23 A It's possible. 2:55:49PM</p> <p>24 Q More than four? 2:55:50PM</p> <p>25 A Maybe. 2:55:52PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p>1 GEORGE HESSE</p> <p>2 Q You don't know? 2:55:53PM</p> <p>3 A I don't know. 2:55:54PM</p> <p>4 Q Were you with anyone else? 2:55:56PM</p> <p>5 A Yes. 2:55:58PM</p> <p>6 MR. CALLAHAN: Objection to form. 2:56:00PM</p> <p>7 BY MR. GOODSTADT: 2:56:00PM</p> <p>8 Q Who were you with? 2:56:01PM</p> <p>9 A I was with Walter Muller. I was with 2:56:02PM</p> <p>10 a Carl Muller. I don't know if anybody else</p> <p>11 came with us. I think that was it.</p> <p>12 Q Is Carl Muller and Walter Muller 2:56:16PM</p> <p>13 related?</p> <p>14 A No. 2:56:20PM</p> <p>15 Q And was she with anybody else? 2:56:21PM</p> <p>16 A Yes. 2:56:23PM</p> <p>17 Q Who was she with? 2:56:23PM</p> <p>18 A Her partner. 2:56:24PM</p> <p>19 Q Anyone else? 2:56:28PM</p> <p>20 A Not that I know of. 2:56:29PM</p> <p>21 Q Did you eat any food while you were 2:56:30PM</p> <p>22 there?</p> <p>23 A Yes. 2:56:33PM</p> <p>24 Q And what was it, a meal? 2:56:34PM</p> <p>25 A Lunch. 2:56:37PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 GEORGE HESSE
2 Q Lunch. Who paid for that meal? 2:56:38PM
3 A I believe the three gentlemen, all of 2:56:41PM
4 us together, we split it.
5 Q So Allison Sanchez and her partner 2:56:48PM
6 didn't pay anything?
7 A She didn't have lunch with us. 2:56:52PM
8 Q They didn't eat with you? 2:56:55PM
9 A No. 2:56:57PM
10 Q And when was the fourth time that you 2:56:57PM
11 had a face-to-face interaction with her?
12 A I believe I had to get some more 2:57:02PM
13 papers signed at her office, and we went to
14 lunch.
15 Q When was that? 2:57:18PM
16 A It was probably later in 2005. I 2:57:19PM
17 don't know the exact date.
18 Q How long did that interaction last? 2:57:25PM
19 A Hour and a half. 2:57:27PM
20 Q What paperwork were you bringing? 2:57:32PM
21 A More of those forms I stated earlier. 2:57:34PM
22 Q Was anyone else there? 2:57:50PM
23 A No. 2:57:51PM
24 Q Have you ever discussed any of the 2:57:54PM
25 plaintiffs with Allison Sanchez --
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1 GEORGE HESSE
2 A Yes. 2:57:59PM
3 Q -- or anything about the plaintiffs? 2:57:59PM
4 When was the first time you discussed 2:58:01PM
5 anything about the plaintiffs with Allison
6 Sanchez?
7 A March of 2006. 2:58:10PM
8 Q Was it in person or on the phone? 2:58:19PM
9 A Phone. 2:58:22PM
10 Q Do you recall when in March? 2:58:22PM
11 A No. 2:58:24PM
12 Q Did you call her or did she call you? 2:58:24PM
13 A Called her. 2:58:27PM
14 Q Just to discuss the plaintiffs or to 2:58:29PM
15 discuss other things as well?
16 MR. CALLAHAN: Objection to form. 2:58:34PM
17 A I don't recall. 2:58:35PM
18 Q And tell me everything you recall from 2:58:37PM
19 that phone conversation with respect to the
20 plaintiffs.
21 A I called her to ask advice in 2:58:41PM
22 reference to -- regarding employment with some
23 of the part-time seasonal officers, what their
24 rights were, what my rights -- what the
25 department's rights were and what the village's
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1 GEORGE HESSE
2 rights were if I were to decide to let someone
3 go.
4 Q Did you tell her who you were deciding 2:59:05PM
5 to let go?
6 A No. 2:59:08PM
7 Q What did she tell you? 2:59:09PM
8 A She said that she would find out. She 2:59:10PM
9 would ask her boss, and she'd get back to me.
10 Q Did you discuss anything else with her 2:59:20PM
11 on that call about the plaintiffs?
12 A No. 2:59:24PM
13 Q How long did that call last? 2:59:27PM
14 A I don't recall. 2:59:29PM
15 Q Did you discuss anything else other 2:59:30PM
16 than what you testified to with her on that
17 call?
18 A I don't recall. 2:59:34PM
19 Q Did she ever get back to you? 2:59:34PM
20 A Yes. 2:59:36PM
21 Q She called you? 2:59:37PM
22 A Yes. 2:59:38PM
23 Q And when was that? How long after the 2:59:38PM
24 first call?
25 A I don't recall. 2:59:44PM
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1 GEORGE HESSE
2 Q And what did she tell you? 2:59:44PM
3 A She -- I believe she said she spoke to 2:59:47PM
4 Stan Pelk, but she explained to me that
5 part-time and seasonal employees, employees,
6 police officers are at-will employees and that
7 we could release them at any time without cause.
8 Q Did she tell you what she was relying 3:00:12PM
9 on?
10 A Just from what she was told by her 3:00:15PM
11 boss.
12 Q Did she cite to you any provisions of 3:00:17PM
13 the Civil Service law that provided that?
14 A No. 3:00:22PM
15 Q Did you discuss anything else with her 3:00:24PM
16 on that call?
17 A I don't recall. 3:00:27PM
18 Q Did you discuss that issue about what 3:00:32PM
19 your rights were with anyone other than for
20 Allison Sanchez in March 2006?
21 A As far as the rights, no. 3:00:40PM
22 Q So I guess that covers the first two 3:00:44PM
23 times you spoke to her about the plaintiffs.
24 Did you speak with her about the 3:00:48PM
25 plaintiffs at any time subsequent to that?
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1 GEORGE HESSE
2 A Yes. 3:00:52PM
3 Q When? 3:00:53PM
4 A I believe it was April 4th or 5th. 3:00:56PM
5 I'm not exactly sure on the date. She had
6 called me to say specifically that Frank
7 Fiorillo and, I believe it was Joe Nofi and
8 Kevin Lamm had come to her office to file a
9 complaint against the Village of Ocean Beach and
10 me for, you know, terminating them, and I
11 believe they wanted to know what their rights
12 were.
13 Q Did she tell you what they're alleging 3:01:28PM
14 or the underlying allegation of the complaint?
15 A Basically she told me that they wanted 3:01:38PM
16 to know what their rights were as police
17 officers and did I have a right to do what I
18 did; and I believe when she told them that they
19 didn't have any rights, I think Frank might have
20 gotten a little ornery with her, and he started
21 spouting off other stuff about, you know,
22 uncertified, unqualified police officers working
23 in Ocean Beach. And I believe she told him,
24 don't worry about what they're doing, you don't
25 have a leg to stand on.
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1 GEORGE HESSE
2 Q She told you that she said that? 3:02:21PM
3 A Yes. 3:02:22PM
4 Q And it was your understanding that she 3:02:32PM
5 was referring to -- when she said you don't have
6 a leg to stand on, it was your understanding
7 that she was referring to what his rights were?
8 MR. CALLAHAN: Objection to form. 3:02:41PM
9 MR. NOVIKOFF: Yeah, objection. 3:02:42PM
10 MR. CONNOLLY: Objection. 3:02:43PM
11 A Yeah, that's what I believe. 3:02:43PM
12 Q That was your understanding? 3:02:44PM
13 A Yeah. 3:02:46PM
14 Q Did she tell you anything else about 3:02:46PM
15 that conversation?
16 A I don't recall. 3:02:49PM
17 Q What did you say to her during that 3:02:51PM
18 conversation?
19 A I don't recall, other than -- that's 3:03:00PM
20 it. I don't recall anything else.
21 Q Were you in the -- were you in the 3:03:09PM
22 police station during this call?
23 A I believe so. 3:03:12PM
24 Q Was anyone else on the line at your 3:03:18PM
25 end?
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1 GEORGE HESSE
2 A No, not that I'm aware of. 3:03:22PM
3 Q Did you tell anybody, any current or 3:03:24PM
4 former employees of Ocean Beach, about Snyder,
5 Lamm -- strike that.
6 About Nofi, Lamm and Fiorillo's 3:03:31PM
7 decision to go file a complaint against you and
8 the beach?
9 A Subsequent to that? 3:03:40PM
10 Q Yeah. 3:03:41PM
11 A You know, I don't recall. 3:03:42PM
12 Q Did you ever discuss that with Joe 3:03:44PM
13 Loeffler, the fact that Sanchez alerted you to
14 their decision to come file a complaint against
15 you and the beach?
16 MR. CALLAHAN: Objection to form. 3:03:55PM
17 A I don't recall. 3:03:56PM
18 Q Is there anything that would refresh 3:03:57PM
19 your recollection as to whether you did or not?
20 A Unless you have something, no. 3:04:01PM
21 Q When was the next time you spoke with 3:04:06PM
22 Allison Sanchez about the plaintiffs, about any
23 of the plaintiffs?
24 Again, when I say "speak," I mean 3:04:18PM
25 communicate with her, whether it's verbally, in
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1 GEORGE HESSE
2 writing.
3 A Uh-huh. 3:04:26PM
4 I don't recall. I mean, I know I've 3:04:29PM
5 spoken to her after that. I just don't know in
6 regards to what.
7 Q Do you recall the substance of any of 3:04:35PM
8 those conversations?
9 A I think later on, when there was an 3:04:41PM
10 allegation made that I was having sexual
11 relations with her, that we talked about that a
12 little bit, and I think she laughed at the fact
13 that somebody would make that allegation.
14 Q Well, did you ever tell Ed Carter that 3:04:59PM
15 you took her out to lunch?
16 A Not that I recall. 3:05:03PM
17 Q Did you ever tell Ed Carter that you 3:05:04PM
18 slept with her?
19 A Definitely not. 3:05:07PM
20 Q Did you tell Joe Nofi that you banged 3:05:08PM
21 her?
22 A Definitely not. 3:05:11PM
23 Q Did you ever see her other than for 3:05:12PM
24 the -- well, strike that.
25 Have you ever seen her in Ocean Beach 3:05:17PM
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1 GEORGE HESSE
2 other than for the one time that she was meeting
3 with Minerva?
4 A No. 3:05:22PM
5 MR. CALLAHAN: I'm going to object to 3:05:29PM
6 the form. You have testimony that's not
7 supported -- your question is not supported
8 by the testimony.
9 MR. GOODSTADT: Okay. I'm not sure 3:05:43PM
10 what that means, but okay.
11 BY MR. GOODSTADT: 3:05:47PM
12 Q Now, we touched upon before an issue 3:05:47PM
13 about uncertified police officers working at the
14 beach.
15 Do you recall that? 3:05:56PM
16 A Yes. 3:05:57PM
17 Q Now, were there officers working at 3:06:02PM
18 the beach that hadn't passed the battery of
19 tests that you and I discussed early this
20 morning?
21 A Yes. 3:06:09PM
22 Q And who was that? Who are those 3:06:10PM
23 officers?
24 A There was a Bill Walsh, Gary and 3:06:13PM
25 Richie Bosetti, Tommy Shaw, John Dyer, Pat
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1 GEORGE HESSE
2 Cherry. That officer, I can't think of his
3 name. There may be some others.
4 Q You said John Dyer? 3:06:47PM
5 A Uh-huh. 3:06:49PM
6 Q Arnie Hardman? 3:06:57PM
7 A Yes, Arnie Hardman. And there was 3:06:58PM
8 another one.
9 Q John Bullis? 3:07:11PM
10 A Yes. 3:07:15PM
11 Q Is that who you were thinking of? 3:07:16PM
12 A No. 3:07:19PM
13 Q Daniel Shook? 3:07:24PM
14 A That's him, Daniel Shook. 3:07:26PM
15 Q And is it your understanding that if 3:07:38PM
16 you don't pass those battery of tests, that you
17 can't be a police officer in Suffolk County?
18 MR. NOVIKOFF: Objection. 3:07:44PM
19 A Correct. 3:07:45PM
20 Q So if you don't pass those tests, 3:07:46PM
21 you're a civilian, correct?
22 MR. NOVIKOFF: Objection. I don't 3:07:50PM
23 know what you mean by "civilian."
24 MR. CONNOLLY: Objection. 3:07:52PM
25 MR. CALLAHAN: Objection. 3:07:53PM
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1 GEORGE HESSE
2 BY MR. GOODSTADT: 3:07:54PM
3 Q Do you know what I mean when I say 3:07:54PM
4 "civilian"? You've heard that word?
5 A Yes. 3:07:57PM
6 Q Do you know what I mean? 3:07:58PM
7 A Yeah, I know what you mean. 3:08:00PM
8 Q So I'll reask the question. 3:08:02PM
9 Is it your understanding that if you 3:08:03PM
10 don't pass those tests, then you are a civilian?
11 MR. NOVIKOFF: Objection. 3:08:09PM
12 MR. CALLAHAN: Objection to form. 3:08:11PM
13 A It's a technicality, but yes. 3:08:13PM
14 Q So those list of people we just went 3:08:17PM
15 over, during the time period that they were
16 working and being paid as police officers in
17 Ocean Beach, they were actually civilians,
18 correct?
19 MR. NOVIKOFF: Objection. 3:08:29PM
20 MR. CALLAHAN: Objection to form. 3:08:30PM
21 MR. CONNOLLY: Objection. 3:08:31PM
22 A No. 3:08:31PM
23 Q They weren't civilians? 3:08:32PM
24 A No. 3:08:33PM
25 Q So which ones weren't civilians? 3:08:33PM
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1 GEORGE HESSE
2 A All of them were sworn in as police 3:08:37PM
3 officers.
4 Q So it's your understanding that if 3:08:39PM
5 you're sworn in, that you're certified to be a
6 police officer?
7 MR. NOVIKOFF: Objection. It's not 3:08:45PM
8 his testimony.
9 MR. CALLAHAN: Objection. 3:08:49PM
10 MR. CONNOLLY: Objection. 3:08:51PM
11 BY MR. GOODSTADT: 3:08:51PM
12 Q Is that your understanding? 3:08:51PM
13 A They were all retired police officers. 3:08:53PM
14 Q Any of them retired from Suffolk 3:08:57PM
15 County police department?
16 A None of them, no. 3:08:59PM
17 Q So in terms of being in Suffolk 3:09:02PM
18 County, were they all civilians?
19 MR. NOVIKOFF: Objection. Asked and 3:09:07PM
20 answered.
21 A It's a technicality, but, you know, 3:09:09PM
22 I'll agree with you, yes.
23 Q Yes, they were? 3:09:13PM
24 When did you first learn of an issue 3:09:15PM
25 with respect to this group of guys' lack of
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1 GEORGE HESSE
2 certification?
3 A I don't recall a specific date. 3:09:27PM
4 Q Do you recall what year it was? 3:09:30PM
5 A It was probably the end of 2004, 3:09:34PM
6 maybe.
7 Q How did you learn about it? 3:09:44PM
8 A I don't remember. 3:09:47PM
9 Q So when you heard about it at the end 3:09:54PM
10 of 2004 -- I believe I asked this question a
11 while ago; I'll just put it in a time frame --
12 ed Paradiso was the person in Ocean Beach
13 responsible for making sure that everybody that
14 was being paid as a police officer was
15 certified?
16 MR. NOVIKOFF: Objection. 3:10:11PM
17 A You know, I don't know if it was 3:10:13PM
18 really his job to make sure, but he was sure in
19 charge of hiring.
20 Q But when before I asked you who was in 3:10:21PM
21 charge for making sure that the people who are
22 hired are certified, you said up until January
23 of '06, it was Paradiso, and after that it was
24 you.
25 MR. NOVIKOFF: Objection. I don't 3:10:34PM
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1 GEORGE HESSE
2 know if that was your question. But if you
3 had asked the question already, then it's in
4 the record. So why are we fighting with
5 him?
6 MR. GOODSTADT: I just want to make 3:10:41PM
7 sure that I understood his testimony.
8 MR. NOVIKOFF: Well, ask him again. 3:10:45PM
9 I'll object, but he'll still answer.
10 BY MR. GOODSTADT: 3:10:48PM
11 Q Is the way I characterized it your 3:10:49PM
12 understanding?
13 MR. NOVIKOFF: Objection. 3:10:52PM
14 A I understand where you're coming from. 3:10:53PM
15 But I believe it's the Village of Ocean Beach,
16 Maryann Minerva who fills out the Civil Service
17 paperwork to make sure that it's accurate.
18 Q Okay. So it's your understanding that 3:11:07PM
19 Miss Minerva was the person responsible for
20 making sure that the people who are hired and
21 paid as police officers were certified to be in
22 that position?
23 MR. NOVIKOFF: Objection to the form, 3:11:18PM
24 more particularly to the word "responsible."
25 You're assuming that anyone was responsible
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1 GEORGE HESSE
2 in that period of time.
3 MR. CONNOLLY: Objection. 3:11:30PM
4 You can answer. 3:11:30PM
5 A You're going to have to repeat the 3:11:31PM
6 question. I'm sorry.
7 MR. GOODSTADT: Yeah, why don't you 3:11:38PM
8 read it back. That would be great.
9 (Whereupon, the requested portion was 3:11:41PM
10 read back by the court reporter: Okay. So
11 it's your understanding that Miss Minerva
12 was the person responsible for making sure
13 that the people who are hired and paid as
14 police officers were certified to be in that
15 position?)
16 MR. NOVIKOFF: Can we take a five 3:11:59PM
17 minute break?
18 MR. GOODSTADT: So you objected to a 3:12:06PM
19 word that wasn't even in the question.
20 MR. CONNOLLY: I thought he said 3:12:06PM
21 "responsible."
22 MR. GOODSTADT: Responsible for making 3:12:06PM
23 sure.
24 MR. NOVIKOFF: I have a problem with 3:12:09PM
25 the word "responsible" only because we
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1 GEORGE HESSE
2 haven't established that anyone was
3 responsible, because clearly there was a
4 problem.
5 But note my objection. You can -- 3:12:16PM
6 A That is my belief. 3:12:19PM
7 Q What's the basis of that belief? 3:12:21PM
8 A Because all applications and paperwork 3:12:23PM
9 is submitted to her for her approval; and
10 because it's a municipality, they have to report
11 to Civil Service and they have to report those
12 names to Civil Service.
13 Q Does the chief of police have any 3:12:36PM
14 obligation with respect to that reporting
15 requirement?
16 MR. NOVIKOFF: Objection. 3:12:42PM
17 A I believe he has some responsibility. 3:12:43PM
18 Q What is that responsibility? 3:12:46PM
19 A To make sure that these men, these 3:12:48PM
20 officers are certified.
21 MR. NOVIKOFF: Could we take that 3:12:54PM
22 break?
23 MR. GOODSTADT: Yep. 3:12:56PM
24 THE VIDEOGRAPHER: The time is now 3:12:57PM
25 3:13 p.m. We are now off the record.
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1 GEORGE HESSE
2 (Whereupon, a discussion was held off 3:13:01PM
3 the record.)
4 THE VIDEOGRAPHER: The time is now 3:29:04PM
5 3:29 p.m. We are now back on the record.
6 BY MR. GOODSTADT: 3:29:07PM
7 Q Now, just to go back to the issue with 3:29:10PM
8 the uncertified officers working in Ocean Beach.
9 How did you learn about the fact that there was
10 this problem?
11 A I don't remember -- I think I stated I 3:29:23PM
12 don't remember how I found out.
13 Q Did you ever speak with Ms. Minerva 3:29:30PM
14 about the issue?
15 A Yes. 3:29:34PM
16 Q When was the first time you spoke with 3:29:35PM
17 her about this issue?
18 A I don't recall. 3:29:37PM
19 Q Do you recall what year it was? 3:29:39PM
20 A It may have been the end of 2004 into 3:29:41PM
21 2005. I don't know.
22 Q And when were the Bosettis hired? 3:29:49PM
23 A I believe they came on in -- this is 3:29:52PM
24 off the top of my head, 2003.
25 Q Is it possible it was 2002? 3:29:57PM
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1 GEORGE HESSE
2 A It's possible, yes. 3:30:00PM
3 Q Were you at the -- were you at the 3:30:06PM
4 preseason meeting? When I say that, do you know
5 what that mean when I say a preseason meeting?
6 A Yes. 3:30:13PM
7 Q Of the department? 3:30:13PM
8 A Yes. 3:30:14PM
9 Q Were you at the preseason meeting the 3:30:15PM
10 first year the Bosettis were hired?
11 A I would say yes. 3:30:18PM
12 Q And did you tell the Bosettis in front 3:30:20PM
13 of the group that they would have to take their
14 tests?
15 A I don't recall. 3:30:28PM
16 Q Did you ever speak with Catherine 3:30:38PM
17 Spies? Do you know who that is, Catherine
18 Spies?
19 A Yes. 3:30:43PM
20 Q Who is she? 3:30:43PM
21 A She was the deputy clerk. She's not 3:30:45PM
22 there anymore.
23 Q Did you ever speak with her about this 3:30:49PM
24 issue?
25 A Yes. 3:30:51PM
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1 GEORGE HESSE
2 Q When was the first time you spoke with 3:30:52PM
3 her about the issue?
4 MR. NOVIKOFF: About the issue, the 3:30:54PM
5 certification?
6 MR. GOODSTADT: About the 3:30:57PM
7 certification issue, yes.
8 A I don't recall. 3:30:58PM
9 Q Did you ever speak with Joe Loeffler 3:31:04PM
10 about the certification issue?
11 A Yes. 3:31:07PM
12 Q When was the first time you spoke with 3:31:09PM
13 him?
14 A I don't recall. 3:31:11PM
15 Q Who did you speak with first out of 3:31:13PM
16 those three people, Minerva, Loeffler, Spias,
17 about the issue?
18 A I don't recall. 3:31:23PM
19 Q You're sure you didn't speak with 3:31:30PM
20 Minerva in December of '03 about this
21 certification issue?
22 A Yeah. 3:31:37PM
23 MR. NOVIKOFF: Objection to the form. 3:31:38PM
24 A It could've been. 3:31:39PM
25 Q So it's possible that you knew about 3:31:40PM
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1 GEORGE HESSE
2 the fact that there were uncertified officers
3 working as early as December of '03?
4 MR. NOVIKOFF: Objection to the form 3:31:48PM
5 of the question.
6 A Possible. 3:31:50PM
7 Q Did you ever speak with Paradiso about 3:31:54PM
8 the issue?
9 A Yes. 3:31:56PM
10 Q When is the first time you spoke with 3:31:57PM
11 him about the issue?
12 A I don't recall. 3:32:01PM
13 Q Did you ever speak with any other 3:32:07PM
14 trustees other than for Loeffler about the
15 issue?
16 MR. NOVIKOFF: Objection. He didn't 3:32:13PM
17 say he talked to Loeffler.
18 BY MR. GOODSTADT: 3:32:15PM
19 Q Did you ever speak to any trustees 3:32:16PM
20 about the issue?
21 MR. CONNOLLY: When they were 3:32:20PM
22 trustees?
23 MR. GOODSTADT: When they were 3:32:21PM
24 trustees, yeah.
25 A Just Trustee Loeffler, I believe. I 3:32:23PM
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1 GEORGE HESSE
2 don't recall if I would've talked to anybody
3 else.
4 Q Did you ever speak to Natalie Rogers 3:32:28PM
5 about the issue?
6 A You know, I don't recall. 3:32:31PM
7 Q You don't recall one way or the other? 3:32:32PM
8 A No. 3:32:35PM
9 Q Was there a plan put in place to fix 3:32:35PM
10 the problem when you first learned of it?
11 MR. NOVIKOFF: Objection. 3:32:42PM
12 MR. GOODSTADT: Strike that. Strike 3:32:43PM
13 that.
14 BY MR. GOODSTADT: 3:32:44PM
15 Q Was there a plan put in place to fix 3:32:44PM
16 the problem?
17 MR. NOVIKOFF: Same objection. 3:32:48PM
18 A I wouldn't say there was a plan. I 3:32:49PM
19 would say there was a suggestion to fix the
20 problem.
21 Q Who made the suggestion? 3:32:53PM
22 A I don't know where it came from, but 3:32:58PM
23 it filtered to me.
24 Q How did it filter to you? 3:33:05PM
25 A Paradiso asked me to look into the 3:33:07PM
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1 GEORGE HESSE
2 matter and see what I could do to correct it.
3 Q Do you know when that conversation 3:33:15PM
4 occurred?
5 A I don't recall. 3:33:17PM
6 Q And did you do anything to correct the 3:33:20PM
7 matter?
8 A Yes. 3:33:25PM
9 Q How long after Paradiso told you that 3:33:26PM
10 did you do something to correct the matter?
11 A I'm sure I started working on it right 3:33:30PM
12 away.
13 Q And at that point in time, when 3:33:33PM
14 Paradiso told you to correct the matter, had you
15 known there was a problem or was that the first
16 time you learned there was a problem?
17 A I don't recall. 3:33:41PM
18 Q What did you do to fix the problem? 3:33:42PM
19 A I believe I contacted Civil Service 3:33:46PM
20 and had to find out what these officers had to
21 do.
22 Q Who at Civil Service did you speak 3:33:53PM
23 with -- strike that.
24 Did you contact Civil Service? 3:33:57PM
25 A I may have. 3:33:58PM
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1 GEORGE HESSE
2 Q Do you recall actually contacting 3:33:59PM
3 Civil Service?
4 A I don't recall. 3:34:02PM
5 Q Do you recall speaking to anyone at 3:34:02PM
6 Civil Service about what they had to do to
7 correct the problem?
8 A At some point, I was in touch with 3:34:08PM
9 Allison Chester or Sanchez to correct the
10 problem.
11 Q Do you recall when that was? 3:34:16PM
12 A I don't recall. 3:34:17PM
13 Q Do you recall how long after Paradiso 3:34:19PM
14 suggested that you fix the problem, the time gap
15 between that and the time you spoke with Sanchez
16 about it?
17 A I'm not positive, no. 3:34:31PM
18 Q Was it days, weeks, months years? 3:34:34PM
19 A I don't recall. 3:34:37PM
20 Q Other than for you, who else was 3:34:39PM
21 involved with the plan to fix the problem?
22 A Maryann Minerva. 3:34:43PM
23 Q Anyone else in the village involved 3:34:49PM
24 with the plan to fix it?
25 MR. NOVIKOFF: Objection. 3:34:54PM
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1 GEORGE HESSE
2 A Kathy Spies was part of it. 3:34:55PM
3 Q Anyone else? 3:35:06PM
4 MR. NOVIKOFF: Note my objection. 3:35:10PM
5 A I don't know when Kara a McKenna 3:35:14PM
6 started, but she also involved with the Civil
7 Service stuff, so --
8 Q What was Minerva's role in the plan to 3:35:23PM
9 fix it?
10 MR. NOVIKOFF: Objection to the form. 3:35:27PM
11 A I don't know what her role was. 3:35:28PM
12 Q Do you know anything that she did to 3:35:29PM
13 help fix the problem?
14 A I don't know what she did, no. 3:35:35PM
15 Q What was Spies's role? 3:35:37PM
16 MR. NOVIKOFF: Objection. 3:35:39PM
17 A I know she was in contact with Civil 3:35:40PM
18 Service. I know there were some forms that
19 needed to be filled out.
20 Q How do you know she was contact with 3:35:45PM
21 Civil Service?
22 A She told me. 3:35:49PM
23 Q Do you recall when she told you, what 3:35:55PM
24 year it was?
25 A I don't recall. 3:35:57PM
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1 GEORGE HESSE
2 Q Did she fill out the forms? 3:35:59PM
3 MR. NOVIKOFF: Objection. 3:36:04PM
4 A I believe she typed and hand writ some 3:36:04PM
5 of them. I don't know if she signs off on them
6 or Maryann Minerva signs off on them.
7 Q How long did the process take from the 3:36:20PM
8 time that you learned of the problem to the time
9 that -- well, strike that.
10 Was the problem ever rectified? 3:36:25PM
11 A Yes. 3:36:27PM
12 Q How was it rectified? What was done? 3:36:28PM
13 A All our officers are now certified by 3:36:31PM
14 Civil Service.
15 Q And the ones who weren't certified 3:36:35PM
16 stepped down or were fired or --
17 A Yes. 3:36:39PM
18 Q -- took different positions; is that 3:36:40PM
19 what happened?
20 A Yes. 3:36:42PM
21 Q Okay. How long between the time that 3:36:42PM
22 you learned of the problem until rectifying the
23 problem?
24 A It may have taken a year and a half, 3:36:52PM
25 almost two years to correct.
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1 GEORGE HESSE
2 Q And during that period of a year and a 3:37:04PM
3 half to two years, these people who were not
4 certified were still being paid as police
5 officers or did you suspend them for that
6 period?
7 MR. NOVIKOFF: Objection again to the 3:37:16PM
8 form.
9 When you say "you," are you saying 3:37:17PM
10 Hesse or the village?
11 MR. GOODSTADT: Good question. 3:37:21PM
12 MR. NOVIKOFF: Because Hesse has said 3:37:22PM
13 at the time that he had no authority to hire
14 or fire.
15 BY MR. GOODSTADT: 3:37:27PM
16 Q Were these people employed by the 3:37:28PM
17 village as police officers and paid by the
18 village as police officers during that period?
19 A Yes. 3:37:32PM
20 Q Do you know whether anyone alerted 3:37:35PM
21 Civil Service to that fact?
22 MR. NOVIKOFF: Objection. 3:37:44PM
23 A I don't know. 3:37:45PM
24 Q When was Arnold Hardman certified? 3:37:55PM
25 A He never completed certification. 3:37:58PM
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1 GEORGE HESSE
2 Q And when was he employed up until as a 3:38:09PM
3 police officer?
4 A I don't know the exact date when he 3:38:18PM
5 was no longer employed. I don't know the exact
6 date.
7 Q Do you know what year it was? 3:38:24PM
8 A It may -- I'm just guessing, but -- 3:38:26PM
9 no, I don't recall. I don't recall.
10 Q Did he work at all in the season of 3:38:31PM
11 2006?
12 A Yes. 3:38:35PM
13 Q Okay. So he was still working at the 3:38:36PM
14 beach as an uncertified police officer after the
15 plaintiffs in this case were let go?
16 A Yes. 3:38:45PM
17 Q And at that point in time, did you 3:38:47PM
18 know that he was not certified?
19 A Yes. 3:38:51PM
20 Q So the problem actually wasn't fully 3:38:58PM
21 rectified in the year and a half to two years,
22 correct?
23 MR. NOVIKOFF: Objection to form. 3:39:03PM
24 MR. CALLAHAN: Objection to the form. 3:39:06PM
25 A It depends on when we started it. 3:39:07PM
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1 GEORGE HESSE
2 MR. NOVIKOFF: Exactly. 3:39:09PM
3 A But I don't know exactly what the 3:39:10PM
4 start date was, but I think it took somewhere in
5 the range of a year and a half to two years to
6 rectify it.
7 Q Why did you let Arnold Hardman go if 3:39:19PM
8 he wasn't certified --
9 MR. NOVIKOFF: Prior objection. 3:39:25PM
10 BY MR. GOODSTADT: 3:39:26PM
11 Q -- prior to the season of 2006? 3:39:26PM
12 MR. NOVIKOFF: Now objection to 3:39:30PM
13 foundation because he testified that he had
14 no hiring or firing authority until he was
15 appointed deputy chief.
16 MR. GOODSTADT: Which was January of 3:39:36PM
17 '06. Now I'm talking about April '06.
18 MR. NOVIKOFF: No. I think you 3:39:39PM
19 mentioned before the season.
20 MR. GOODSTADT: Yeah. 3:39:44PM
21 MR. NOVIKOFF: Okay, I understand. 3:39:44PM
22 Okay, you're right.
23 MR. GOODSTADT: The decision was made 3:39:45PM
24 after he was deputy chief.
25 MR. NOVIKOFF: You're right. You're 3:39:47PM
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1 GEORGE HESSE
2 right.
3 MR. CONNOLLY: I'm just going to ask 3:39:48PM
4 that we read the question back now.
5 MR. GOODSTADT: Okay. 3:39:51PM
6 MR. CONNOLLY: Or you can repeat it. 3:39:51PM
7 MR. GOODSTADT: It's been so long ago, 3:39:51PM
8 I'm not even sure what the question was.
9 BY MR. GOODSTADT: 3:40:04PM
10 Q So why didn't you let Arnold Hardman 3:40:05PM
11 go at the same time that you let the plaintiffs
12 go if you knew that he was not certified?
13 MR. NOVIKOFF: Objection, only to the 3:40:14PM
14 extent that we have the same stipulation.
15 MR. GOODSTADT: We do. 3:40:18PM
16 MR. NOVIKOFF: You say let go, we say 3:40:19PM
17 not rehired.
18 MR. GOODSTADT: It's also the word 3:40:23PM
19 that he used in the memo.
20 MR. NOVIKOFF: That's different, 3:40:26PM
21 Andrew.
22 A Ready? 3:40:28PM
23 Q Yes. 3:40:29PM
24 A He was in the process of completing 3:40:30PM
25 his battery of tests. He had one test to go,
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1 GEORGE HESSE
2 which would be the polygraph; and for unknown
3 circumstances, polygraph would not let him take
4 the test.
5 Q What do you mean by that? 3:40:46PM
6 A We feel there was some interference 3:40:50PM
7 from the D.A.'s office, and they didn't permit
8 him to take the polygraph test.
9 Q When did he apply to take the 3:41:02PM
10 polygraph test, if you know?
11 A I don't know the exact date, but we 3:41:08PM
12 had three tentative dates set up. We went to
13 two of them and we were turned away.
14 Q What's the basis of your belief that 3:41:22PM
15 the D.A. interfered?
16 A They wouldn't give us a reason why 3:41:25PM
17 they wouldn't let him take the test, and we were
18 under investigation at that point.
19 Q So what leads you to the conclusion 3:41:31PM
20 that the D.A. actually interfered with the
21 ability of Mr. Hardman to take the test?
22 A Because that's my feeling. 3:41:38PM
23 Q Do you recall when he was scheduled, 3:41:41PM
24 what year it was he was scheduled to go take the
25 test?
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1 GEORGE HESSE
2 A I don't know the exact dates. No. 3:41:46PM
3 Q Do you recall what year it was? 3:41:52PM
4 A 2006. 3:41:53PM
5 Q 2006? 3:41:54PM
6 A Yeah. 3:41:54PM
7 Q Did he apply to take the test -- well, 3:42:01PM
8 strike that.
9 When was he hired? 3:42:04PM
10 A 2003, 2004 possibly. 3:42:06PM
11 Q And when in 2006, was it before the 3:42:15PM
12 season or after the season that he applied?
13 A Actually, I'm mistaken on the dates. 3:42:19PM
14 There was -- there was an opportunity for him to
15 take it in 2005; but then I think he couldn't
16 make that date, so I rescheduled someone else to
17 take it on that date. And he may have been
18 rescheduled at a later date. I don't know the
19 exact date.
20 Q So he failed to appear in '05? 3:42:37PM
21 A I wouldn't say he failed to appear. 3:42:40PM
22 It was a reschedule.
23 Q And what date in '06 was he 3:42:47PM
24 rescheduled for? Was it before the season or
25 after the season?
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1 GEORGE HESSE
2 A It was in the heart of the season. I 3:42:53PM
3 believe it might have been in the latter of
4 July, you know, one of the scheduled dates.
5 That might have been one of the last time that
6 we even tried.
7 Q How often does the county administer 3:43:06PM
8 polygraph tests?
9 MR. NOVIKOFF: Objection. 3:43:11PM
10 BY MR. GOODSTADT: 3:43:11PM
11 Q Back then, in '05. 3:43:12PM
12 MR. NOVIKOFF: Same objection. 3:43:13PM
13 A It's by appointment. 3:43:14PM
14 Q Do they administer it all year round? 3:43:16PM
15 MR. NOVIKOFF: Objection. 3:43:19PM
16 A Yes. 3:43:20PM
17 Q So you can call and get on the 3:43:20PM
18 schedule any time of the year?
19 MR. NOVIKOFF: Objection. 3:43:24PM
20 BY MR. GOODSTADT: 3:43:25PM
21 Q Or fill out a form and schedule any 3:43:27PM
22 time of the year?
23 MR. NOVIKOFF: Objection. 3:43:31PM
24 A I'm sure they could perform the test 3:43:32PM
25 at any time of the year. It depends on their
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1 GEORGE HESSE
2 availability.
3 Q Did you -- when you say that you -- 3:43:39PM
4 strike that.
5 Did you actually call and reschedule 3:43:42PM
6 someone in for Hardman's spot that he couldn't
7 make?
8 A Yes. 3:43:49PM
9 Q Did you at that time ask to have him 3:43:49PM
10 rescheduled?
11 A I don't know if I did or not. 3:43:53PM
12 Q Do you know when the first time 3:43:54PM
13 somebody reached out to the county to reschedule
14 him after he didn't appear in the '05 test?
15 A Repeat that. 3:44:02PM
16 MR. GOODSTADT: Could you read that 3:44:04PM
17 back.
18 (Whereupon, the requested portion was 3:44:05PM
19 read back by the court reporter: Do you
20 know when the first time somebody reached
21 out to the county to reschedule him after he
22 didn't appear in the '05 test?)
23 A Read that one more time, I'm sorry. 3:44:19PM
24 Q I'll reask it. 3:44:21PM
25 Do you know when the first time either 3:44:22PM
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1 GEORGE HESSE
2 didn't do it all the time. I don't know.
3 Q When you say "application," that was 3:45:13PM
4 the applicant investigation section that you
5 were running at the time?
6 A Yes. 3:45:17PM
7 Q Okay. Who replaced Hardman in the '05 3:45:18PM
8 spot?
9 A I believe it was Greg Keghlian. 3:45:24PM
10 K-E-G-H-L-I-A-N, Keghlian.
11 Q Was Keghlian a new hire in '05 or had 3:45:33PM
12 he been a person who had been working there not
13 certified?
14 A He wasn't a new hire in '05. He 3:45:43PM
15 started in, I believe, '06. But I might have
16 given his spot to Keghlian or it might have been
17 Bill Embry. It might have even been Joe
18 Dediminico. I'm not real sure.
19 Q Other than for -- well, strike that. 3:46:05PM
20 Which people who served as police 3:46:09PM
21 officers that were uncertified eventually did
22 not pass the test to become certified? You
23 testified Hardman. I think you testified Cherry
24 decided that he would drop down because he
25 didn't want to take the test. Who else
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1 GEORGE HESSE
2 he or someone on his behalf reached out to the
3 county to reschedule the test after he didn't
4 appear in '05?
5 A I don't know. I would've been the 3:44:31PM
6 only one that would have rescheduled his test,
7 so I don't recall.
8 Q Do you have anything that would 3:44:38PM
9 refresh your recollection? Take any notes of
10 these calls?
11 A Not that I recall. 3:44:42PM
12 Q How did you alert the officers when 3:44:43PM
13 their scheduled dates were coming up?
14 A Just by cell phone -- by telephone. 3:44:48PM
15 Q So you would call them? 3:44:50PM
16 A Yeah. 3:44:52PM
17 Q Did you ever do anything in writing, 3:44:52PM
18 either by E-mail or a memo or a letter?
19 A Sometimes I would write it right on 3:44:55PM
20 the front of their application pack. Maybe I'd
21 just write it down on a note.
22 Q Do you know whether you wrote anything 3:45:02PM
23 down with respect to Hardman?
24 A I may have wrote something on the face 3:45:05PM
25 of his application, but I did that sometimes. I
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1 GEORGE HESSE
2 eventually did not become certified?
3 A Danny Shook, John Dyer. Bill Walsh, 3:46:28PM
4 he was never scheduled to do anything. He just
5 went on to work at the D.A.'s office in Nassau.
6 I said John Dyer? Did I say him? 3:46:46PM
7 Q You did. 3:46:49PM
8 A Bullis decided not to take the battery 3:46:51PM
9 of tests. He stepped down. I'm not sure who
10 else.
11 Q What happened to Dyer? Did he step 3:47:00PM
12 down or was he fired?
13 A I let him go. 3:47:03PM
14 Q When did that happen? 3:47:04PM
15 A In 2006. 3:47:12PM
16 Q When did you let him go in 2006? 3:47:15PM
17 A Because he failed the polygraph. 3:47:17PM
18 Q When did you let him go? 3:47:19PM
19 A Well, he didn't work the whole winter 3:47:23PM
20 of '05 in through '06. So I think officially
21 might have been April 4th by memo to the village
22 office.
23 Q If he failed the polygraph, would he 3:47:44PM
24 have the opportunity to take it again?
25 A Yes. 3:47:49PM
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1 GEORGE HESSE
2 Q And he elected not to or you 3:47:49PM
3 terminated him just because he failed it?
4 A He pretty much elected not to do it 3:47:52PM
5 again.
6 Q How about Dan Shook, did he step down, 3:47:55PM
7 did you let him go or did something else happen
8 with him?
9 A He -- he moved -- well, he took a 3:48:03PM
10 different position within the police department.
11 Q What position did he take? 3:48:07PM
12 A Dispatcher. 3:48:08PM
13 Q How about Walsh? Was he the one who 3:48:08PM
14 moved to the D.A.?
15 A Yes. 3:48:12PM
16 Q How about Bullis? 3:48:12PM
17 A Dispatcher. 3:48:14PM
18 Q Did you get a copy of the 3:48:27PM
19 pre-polygraph questionnaire for your officers
20 prior to them taking the polygraph?
21 A The pre-polygraph questionnaire is 3:48:34PM
22 part of the original packet.
23 Q It's part of the packet? How did you 3:48:38PM
24 get the pre-polygraph questionnaire?
25 A That was part of -- when I was 3:48:43PM
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1 GEORGE HESSE
2 arranging this application, I found it online
3 for another job. I don't remember what the
4 other job was.
5 Q Eddie Carter didn't get you a copy of 3:48:50PM
6 that from somebody in Quogue?
7 A That? You know what, I don't know. I 3:48:55PM
8 think I got it online.
9 Q Did you ever allow any of the 3:49:03PM
10 uncertified officers to review the polygraph
11 questionnaire from Frank Fiorillo's personnel
12 jacket?
13 A No. 3:49:13PM
14 Q Are the police officer personnel 3:49:16PM
15 jackets kept in the station?
16 A Yes. 3:49:20PM
17 Q Where in the station? 3:49:20PM
18 A Now they're kept in a locked filing 3:49:21PM
19 cabinet.
20 Q How about in '05? 3:49:24PM
21 A In '05, they were kept in a filing 3:49:26PM
22 cabinet.
23 Q Unlocked? 3:49:29PM
24 A Unlocked. 3:49:29PM
25 Q Did Allen Loeffler pass all tests that 3:49:41PM
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1 GEORGE HESSE
2 are required to be a police officer?
3 A He's been a cop since 1973. I would 3:49:45PM
4 assume so.
5 Q Do you know whether he took the basic 3:49:49PM
6 course for police officers?
7 A Yes, he did. 3:49:52PM
8 Q Do you know whether anyone looked in 3:50:03PM
9 Frank's jacket to look at the polygraph
10 questions?
11 A Not that I recall. 3:50:09PM
12 (Whereupon, Bates document 5773 was 3:50:16PM
13 marked as Plaintiff's Exhibit 6 for
14 identification, as of this date.)
15 MR. NOVIKOFF: Hesse 6? 3:50:46PM
16 MR. GOODSTADT: Hesse 6. 3:50:48PM
17 I've placed in front of Mr. Hesse 3:50:56PM
18 what's been marked as Hesse 6. It's a
19 one-page document bearing Bates No. 5773.
20 (Hanging.)
21 BY MR. GOODSTADT: 3:51:05PM
22 Q Mr. Hesse, have you ever seen this 3:51:05PM
23 document?
24 A I may have. 3:51:07PM
25 Q You see in the second paragraph -- and 3:51:08PM
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1 GEORGE HESSE
2 this is a letter from the State of New York,
3 Division of Criminal Justice Services. Second
4 paragraph, it says, "We've conducted a search of
5 our registry" records -- "registry and training
6 records, finding that Police Officer Allen
7 Loeffler, who is registered as a police officer
8 with the Ocean Beach Village Police Department,
9 has not successfully completed the basic course
10 for police officers."
11 Do you see that? 3:51:32PM
12 A Yes. 3:51:33PM
13 Q Do you know what that refers to? 3:51:34PM
14 A It's stating that they say that he 3:51:35PM
15 never completed the police academy.
16 Q Do you know whether this was ever 3:51:42PM
17 resolved one way or the other?
18 MR. NOVIKOFF: Objection. You haven't 3:51:46PM
19 asked him yet whether or not he was ever
20 aware of this since it was sent. It went to
21 Paradiso.
22 BY MR. GOODSTADT: 3:51:51PM
23 Q Well, have you ever heard of that 3:51:52PM
24 issue?
25 A Yes. 3:51:53PM
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1 GEORGE HESSE
2 MR. NOVIKOFF: Okay. 3:51:54PM
3 BY MR. GOODSTADT: 3:51:55PM
4 Q When did you hear of it? 3:51:55PM
5 A I don't recall. 3:51:56PM
6 Q It was not in connection with this 3:51:58PM
7 case, right?
8 MR. NOVIKOFF: Objection. Form. 3:52:01PM
9 A No. 3:52:02PM
10 Q So you learned about it before this 3:52:03PM
11 case?
12 A Yes. 3:52:05PM
13 Q Okay. Do you know whether this issue 3:52:05PM
14 was ever resolved one way or the other?
15 A I believe there was an attempt to 3:52:10PM
16 resolve it; but in my recollection, it has never
17 been resolved.
18 Q Do you know whether -- well, strike 3:52:21PM
19 that.
20 When did Loeffler stop working for the 3:52:24PM
21 beach?
22 A Off the top of my head, I don't know 3:52:26PM
23 what year.
24 Q He stop working because of this issue? 3:52:30PM
25 MR. NOVIKOFF: Objection. 3:52:32PM
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1 GEORGE HESSE
2 A I'm not sure. 3:52:32PM
3 Q What was the attempt that was made to 3:52:41PM
4 resolve the issue?
5 MR. NOVIKOFF: Objection. Foundation. 3:52:44PM
6 Go ahead. 3:52:45PM
7 MR. CONNOLLY: Objection. 3:52:47PM
8 You can answer. 3:52:48PM
9 A Okay. I actually called the police 3:52:49PM
10 academy -- academy to see if they could pull
11 some records from back then, 1973; and out of
12 all the class files, they could not the class
13 that he was in.
14 Q Uh-huh. So to this day, do you know 3:53:07PM
15 whether there's ever been any confirmation,
16 official confirmation that he graduated the
17 academy?
18 A None that I've received. 3:53:17PM
19 Q Did you ever discuss with Allen 3:53:41PM
20 Loeffler why he stopped working as a police
21 officer in Ocean Beach?
22 A I don't recall. 3:53:49PM
23 Q How many years did he work on the 3:53:51PM
24 Ocean Beach force?
25 A I'd like to say on and off since 1970. 3:53:59PM
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1 GEORGE HESSE
2 Q If he did not pass the academy or 3:54:02PM
3 graduate the academy, do you know whether that
4 would be a violation of New York State Civil
5 Service law?
6 MR. NOVIKOFF: Objection. 3:54:17PM
7 MR. CALLAHAN: Objection. 3:54:18PM
8 MR. CONNOLLY: Objection. 3:54:19PM
9 A I have no idea. 3:54:19PM
10 MR. GOODSTADT: Please mark that. 3:54:26PM
11 (Whereupon, Bates document 5769 was 3:54:27PM
12 marked as Plaintiff's Exhibit 7 for
13 identification, as of this date.)
14 MR. GOODSTADT: I've placed in front 3:54:52PM
15 of Mr. Hesse what's been marked as Hesse 7.
16 It's a one-page exhibit bearing Bates
17 No. 5769. (Handing.)
18 BY MR. GOODSTADT: 3:55:00PM
19 Q Mr. Hesse, have you ever seen this 3:55:01PM
20 letter from the Suffolk County Department of
21 Civil Service?
22 A I may have. 3:55:09PM
23 Q And do you see on the second paragraph 3:55:16PM
24 where it says, "Unless we receive notification
25 that Mr. Loeffler has satisfied the criteria for
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1 GEORGE HESSE
2 police officer certification, our records would
3 indicate that his appointment was disapproved.
4 Continued employment would be a violation of New
5 York State Civil Service law."
6 Do you see that? 3:55:34PM
7 A Yes. 3:55:36PM
8 MR. NOVIKOFF: Are you going to read 3:55:37PM
9 the next sentence?
10 BY MR. GOODSTADT: 3:55:39PM
11 Q "It is our understanding that 3:55:39PM
12 Mr. Loeffler is no longer employed by the
13 village, but that his termination has not been
14 reported to us."
15 MR. NOVIKOFF: Okay. Thank you. 3:55:46PM
16 BY MR. GOODSTADT: 3:55:47PM
17 Q The question is: Does this refresh 3:55:48PM
18 your recollection as to whether it would be a
19 Civil Service violation if he had worked there
20 without passing or without graduating the
21 academy?
22 MR. NOVIKOFF: I'm going to object to 3:55:57PM
23 the question as to form, and the basis for
24 my objection is he didn't say he doesn't
25 recall. He says I have no clue. So I'm
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1 GEORGE HESSE
2 objecting to the form of the question.
3 MR. CONNOLLY: Similar objection. 3:56:07PM
4 Please answer the question. 3:56:10PM
5 A I wouldn't know. 3:56:11PM
6 Q Do you know how this certification 3:56:29PM
7 issue was brought to the Civil Service
8 attention?
9 MR. NOVIKOFF: Objection to form. No 3:56:36PM
10 foundation.
11 MR. CALLAHAN: Same. 3:56:39PM
12 A On Allen Loeffler specifically? 3:56:41PM
13 Q No, just generally, that there were 3:56:44PM
14 people at Ocean Beach working as police officers
15 who were not certified.
16 MR. NOVIKOFF: Same objection. 3:56:50PM
17 A I have an idea, yes. 3:56:51PM
18 Q And what's your idea? 3:56:52PM
19 A There was an issue with -- we picked 3:56:55PM
20 up a couple of police officers that once worked
21 for the state park police as part-time seasonal
22 police officers. It should be seasonal. They
23 were strictly seasonal. And the New York State
24 park police decided to do away with their
25 part-time seasonal program, and a bunch of those
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1 GEORGE HESSE
2 seasonal part-time, whatever you want to call
3 them, were let go. They all were seeking other
4 part-time seasonal police jobs. And I believe
5 we hired two of them. And from what I recall
6 was that because Ocean Beach just employed them
7 and put them on, that other villages that came
8 in contact with these officers had made a gripe
9 that we, Ocean Beach, just employed these guys
10 without having to go through a battery of Civil
11 Service tests, and they protested it. So I
12 believe someone contacted Civil Service and
13 said, well, if Ocean Beach doesn't do it, why do
14 we have to do it.
15 Q So you believe it was another village 3:58:15PM
16 police department?
17 A I believe so, yes. 3:58:19PM
18 Q Did you ever hear anyone allege that 3:58:20PM
19 it was Tommy Snyder who tipped off Civil Service
20 to that problem?
21 A I've heard allegations of such, but 3:58:27PM
22 not about Tom Snyder.
23 Q Who did you hear allegations about 3:58:31PM
24 that tipped off Civil Service?
25 A Eddie Carter. 3:58:35PM
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1 GEORGE HESSE
2 Q Who told you that Ed Carter tipped off 3:58:44PM
3 Civil Service?
4 A I don't recall. 3:58:47PM
5 Q You don't recall who -- strike that. 3:58:48PM
6 Where were you when you learned about 3:58:51PM
7 that?
8 A I don't recall. 3:58:53PM
9 Q Was it people on the department who 3:58:54PM
10 mentioned that to you?
11 A It may have been, yes. 3:58:57PM
12 Q Did you ever discuss that issue with 3:59:00PM
13 the Bosettis?
14 MR. NOVIKOFF: What issue? 3:59:02PM
15 MR. GOODSTADT: That Ed Carter tipped 3:59:03PM
16 off Civil Service, the claim that Ed Carter
17 tipped off the Civil Service to the fact
18 that there were uncertified officers working
19 there.
20 MR. NOVIKOFF: I object to the form. 3:59:14PM
21 A There were protests made by other 3:59:15PM
22 part-time seasonal police officers to that fact,
23 but I let it be known where I actually heard it
24 from.
25 Q Who issued or lodged these protests? 3:59:22PM
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1 GEORGE HESSE
2 A Gary Bosetti, Ty Bacon. I don't 3:59:28PM
3 recall if anybody else ever really protested it.
4 Q Did you ever hear either Bosetti or 3:59:37PM
5 Bacon refer to Ed Carter as a rat?
6 A I don't recall. 3:59:44PM
7 Q Did you ever hear them refer to Ed 3:59:45PM
8 Carter as a Civil Service rat?
9 A I don't recall. 3:59:49PM
10 Q Did you ever hear them, either of 3:59:50PM
11 them, refer to any of the plaintiffs as a rat?
12 A I don't recall. 3:59:54PM
13 Q Did you ever hear them refer to any of 3:59:55PM
14 the plaintiffs as a Civil Service rat?
15 A I really don't recall. 4:00:01PM
16 Q Did you ever hear anyone refer to the 4:00:03PM
17 plaintiffs or any of the plaintiffs as a rat?
18 A I don't recall. 4:00:07PM
19 Q Did you ever hear anyone refer to any 4:00:07PM
20 of the plaintiffs as a Civil Service rat?
21 A I don't recall. 4:00:12PM
22 Q Do you have anything that would 4:00:12PM
23 refresh your recollection?
24 A No. 4:00:15PM
25 Q Did you ever refer to any of the 4:00:15PM
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1 GEORGE HESSE
2 plaintiffs as a rat?
3 A Yes. 4:00:22PM
4 Q Which plaintiffs did you refer to as a 4:00:22PM
5 rat?
6 A Frank Fiorillo. 4:00:25PM
7 Q When did you refer to him as a rat? 4:00:28PM
8 A I believe it was on a blog. 4:00:30PM
9 Q So you posted on the blog referring to 4:00:38PM
10 Frank Fiorillo as a rat?
11 A Yes. 4:00:41PM
12 Q Which blog? 4:00:42PM
13 A The Schwartz report, 4:00:43PM
14 LongIslandpolitics.com.
15 Q What name did you post under? 4:00:49PM
16 A For that entry, I don't know. 4:00:54PM
17 Q How many times did you post on the 4:00:56PM
18 Schwartz report?
19 A Oh God, 25, 30 times, maybe. 4:01:01PM
20 Q Under what names have you posted 4:01:05PM
21 under?
22 A Still Employed was one. Maybe Still 4:01:15PM
23 Employed 2. Dirty, Dirty 1, with the number
24 one, and maybe some other variations of that.
25 Others, I don't recall.
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1 GEORGE HESSE
2 Q Do you have a list anywhere of names 4:01:34PM
3 that you posted under?
4 A I don't currently have a list, no. 4:01:38PM
5 Q Did you ever have a list? 4:01:40PM
6 A Just what was on the blog. 4:01:41PM
7 Q And what -- where did you post these 4:01:43PM
8 25 to 30 -- I know you posted them on the
9 Schwartz report. But where physically were you
10 when you were posting these 25 to 30 posts?
11 A From my house. 4:01:53PM
12 Q Did you ever post from the Ocean Beach 4:01:54PM
13 Police Department?
14 A A couple. 4:01:57PM
15 Q How many times did you post from the 4:02:02PM
16 police department?
17 A I don't recall. 4:02:05PM
18 Q Which house did you post from? 4:02:06PM
19 A 191 The Helm. 4:02:08PM
20 Q Are you aware of any other current or 4:02:17PM
21 former Ocean Beach police officers who post on
22 the blog?
23 A Nobody that's openly admitted to me, 4:02:25PM
24 no.
25 Q Did you ever see anyone post on the 4:02:29PM
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1 GEORGE HESSE
2 blog in the police station, other than for
3 yourself?
4 A No. 4:02:34PM
5 MR. GOODSTADT: Tape's over. 4:02:37PM
6 THE VIDEOGRAPHER: Yeah. The time is 4:02:39PM
7 now 4:02 p.m. We are now off the record.
8 (Whereupon, a discussion was held off 4:02:59PM
9 the record.)
10 MR. GOODSTADT: Back on the record. 4:04:20PM
11 Well, due to a scheduling problem, 4:04:25PM
12 we've decided to break for the day, but
13 Mr. Connolly has agreed to bring his client
14 back for an additional day, not a full day,
15 on another occasion to complete the
16 deposition. I still have two hours and 35
17 minutes under the federal rules. We plan to
18 make a motion to the court, unless we can
19 agree to some additional time prior to that.
20 MR. CONNOLLY: That is my 4:04:49PM
21 understanding.
22 MR. GOODSTADT: I also want to put on 4:04:50PM
23 the record, to the extent that Mr. Hesse has
24 not reviewed his E-mail accounts, which I
25 think he was required to do under the
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1 GEORGE HESSE
2 discovery in his personal and professional
3 capacities, just to make sure nothing gets
4 destroyed, everything is preserved from here
5 on in his E-mails.
6 MR. CONNOLLY: That will be taken 4:05:12PM
7 under advisement. I'll look into that.
8 MR. GOODSTADT: Great. 4:05:15PM
9 MR. NOVIKOFF: And so we're clear with 4:05:17PM
10 regard to Mr. Hesse, we are coming back on
11 the 16th to complete his deposition, at
12 least complete the deposition of plaintiffs
13 of Mr. Hesse up to seven hours, unless
14 before that date the court grants more time
15 or there's an agreement. And in addition,
16 certainly the village will have its
17 opportunity on the 16th or a date
18 thereafter to continue, and I presume the
19 county as well.
20 MR. GOODSTADT: And his own lawyer, 4:05:49PM
21 for that matter.
22 (Continued on the next page to include 4:05:53PM
23 jurat.)
24
25
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1 GEORGE HESSE
2 MR. NOVIKOFF: And his own lawyer, for 4:05:53PM
3 that matter.

4 MR. GOODSTADT: I have no objections 4:05:53PM
5 to any of that.

6 (Time noted 4:05 p.m.) 4:05:55PM

7
8 _____
9 GEORGE HESSE

10 Subscribed and sworn to before me
11 this day of , 2009
12 _____
13
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1 PROCEEDINGS
2 C E R T I F I C A T E
3

4 I, JUDI JOHNSON, RPR, CRR, CLR, a Notary Public
5 and for the State of New York, do hereby certify:

6 THAT the witness whose testimony is hereinbefore
7 set forth, was duly sworn by me; and

8 THAT the within transcript is a true record
9 of the testimony given by said witness. I further
10 certify that I am not related, either by blood or
11 marriage, to any of the parties to this action; and
12 THAT I am in no way interested in the outcome
13 of this matter.

14 IN WITNESS WHEREOF, I have hereunto set
15 my hand this 8th day of June, 2009.
16
17

18 _____
19 JUDI JOHNSON, RPR, CRR, CLR
20
21
22
23
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25

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1 ERRATA SHEET

2 NAME OF CASE: CARTER V. OCEAN BEACH

3 DATE OF DEPOSITION: June 3, 2009

4 NAME OF WITNESS: GEORGE HESSE
5

6 Reason codes:

- 7 1. To clarify the record.
8 2. To conform to the facts
9 3. To correct the transcription
10 errors.

11 Page _____ Line _____ Reason _____

12 From _____ to _____

13 Page _____ Line _____ Reason _____

14 From _____ to _____

15 Page _____ Line _____ Reason _____

16 From _____ to _____

17 Page _____ Line _____ Reason _____

18 From _____ to _____

19 Page _____ Line _____ Reason _____

20 From _____ to _____

21 Page _____ Line _____ Reason _____

22 From _____ to _____
23
24

25 _____
GEORGE HESSE

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12:16:58PM (1)	137:24	12:19:51PM (1)	141:17	12:24:54PM (1)
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12:17:02PM (1)	137:25	12:19:52PM (2)	141:18	12:24:57PM (1)
136:7	12:18:46PM (1)	139:17,18	12:22:45PM (2)	144:7

12:24:58PM (1)	146:8	12:27:57PM (1)	150:6	12:31:39PM (1)
144:8	12:26:37PM (1)	148:6	12:29:36PM (1)	152:4
12:24:59PM (1)	146:12	12:27:58PM (1)	150:8	12:31:45PM (1)
144:9	12:26:39PM (1)	148:7	12:29:38PM (1)	152:7
12:25:00PM (1)	146:15	12:28:02PM (1)	150:9	12:31:46PM (1)
144:10	12:26:40PM (1)	148:9	12:29:39PM (1)	152:8
12:25:01PM (1)	146:16	12:28:04PM (1)	150:10	12:31:48PM (1)
144:11	12:26:44PM (1)	148:10	12:29:43PM (1)	152:9
12:25:06PM (1)	146:17	12:28:08PM (1)	150:11	12:31:51PM (1)
144:13	12:26:51PM (3)	148:13	12:29:57PM (3)	152:11
12:25:07PM (2)	146:20,21,22	12:28:15PM (2)	150:14,15,16	12:31:55PM (1)
144:14,15	12:26:53PM (1)	148:15,16	12:30:01PM (1)	152:12
12:25:13PM (1)	146:23	12:28:17PM (1)	150:18	12:31:59PM (2)
144:17	12:26:56PM (1)	148:17	12:30:02PM (1)	152:13,14
12:25:14PM (1)	146:24	12:28:18PM (1)	150:19	12:32:03PM (1)
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144:19	12:27:03PM (1)	148:20	12:30:25PM (1)	152:17
12:25:24PM (1)	147:4	12:28:23PM (1)	150:23	12:32:09PM (1)
144:23	12:27:05PM (1)	148:21	12:30:27PM (1)	152:18
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12:25:50PM (1)	147:9	12:28:32PM (1)	151:4	12:32:20PM (1)
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12:25:54PM (1)	147:17	12:28:54PM (1)	151:8	12:32:36PM (1)
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12:25:56PM (1)	147:18	12:28:56PM (2)	151:9	12:32:41PM (1)
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12:26:04PM (3)	147:20	12:29:00PM (1)	151:13	12:32:55PM (1)
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12:26:13PM (1)	147:23	12:29:15PM (1)	151:18	12:33:07PM (2)
145:23	12:27:47PM (1)	149:22	12:31:21PM (1)	153:16,17
12:26:14PM (2)	147:24	12:29:19PM (1)	151:21	12:33:11PM (1)
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12:33:42PM (1)	156:18	12:37:21PM (1)	160:5	12:40:12PM (1)
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12:33:53PM (1)	156:22	12:37:30PM (1)	160:13,14	12:40:28PM (1)
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12:34:00PM (1)	156:25 157:2	12:37:38PM (1)	160:16	12:40:29PM (1)
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12:35:22PM (1)	157:20	12:38:18PM (1)	161:10	12:41:01PM (1)
155:24	12:36:57PM (1)	159:16	12:39:47PM (1)	163:5
12:35:24PM (1)	157:21	12:38:22PM (1)	161:11	12:41:04PM (1)
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12:35:25PM (1)	157:24	12:38:24PM (1)	161:13	12:41:08PM (2)
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156:7,8	12:37:07PM (1)	159:23	12:39:56PM (2)	163:12
12:35:38PM (1)	158:3	12:38:33PM (1)	161:15,16	12:41:17PM (1)
156:10	12:37:08PM (1)	159:24	12:39:57PM (1)	163:14

12:41:18PM (1)	165:14	12:45:07PM (1)	169:7	12:48:06PM (1)
163:15	12:43:26PM (1)	167:11	12:46:49PM (1)	170:23
12:41:21PM (1)	165:15	12:45:12PM (1)	169:8	12:48:08PM (1)
163:17	12:43:32PM (1)	167:12	12:46:51PM (1)	170:24
12:41:29PM (1)	165:18	12:45:20PM (1)	169:9	12:48:14PM (1)
163:21	12:43:35PM (1)	167:15	12:46:55PM (1)	170:25
12:41:31PM (1)	165:19	12:45:22PM (1)	169:10	12:48:20PM (1)
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12:41:33PM (1)	165:21	12:45:23PM (1)	169:13	12:48:23PM (1)
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12:41:43PM (1)	165:22	12:45:24PM (1)	169:14	12:48:25PM (1)
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12:42:32PM (2)	166:17	12:46:18PM (1)	170:7	12:48:56PM (2)
164:21,22	12:44:23PM (1)	168:17	12:47:40PM (1)	171:24,25
12:42:37PM (1)	166:18	12:46:21PM (1)	170:9	12:49:02PM (1)
164:24	12:44:25PM (1)	168:19	12:47:42PM (1)	172:3
12:42:38PM (1)	166:19	12:46:25PM (1)	170:10	12:49:06PM (1)
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12:43:16PM (1)	167:6	12:46:41PM (1)	170:18	12:49:29PM (1)
165:10	12:45:00PM (1)	169:5	12:48:02PM (1)	172:15
12:43:17PM (1)	167:8	12:46:45PM (1)	170:20	12:49:31PM (2)
165:11	12:45:03PM (1)	169:6	12:48:04PM (1)	172:16,17
12:43:25PM (1)	167:9	12:46:47PM (1)	170:21	12:49:33PM (1)

172:18	12:51:28PM (1)	176:23	12:55:05PM (1)	180:21
12:49:34PM (2)	174:22	12:53:08PM (2)	178:22	12:57:09PM (1)
172:19,20	12:51:29PM (1)	176:25 177:2	12:55:07PM (1)	180:22
12:49:40PM (1)	174:23	12:53:14PM (2)	178:23	12:57:10PM (1)
172:22	12:51:31PM (1)	177:3,4	12:55:17PM (1)	180:23
12:49:41PM (2)	174:24	12:53:20PM (1)	179:2	12:57:14PM (1)
172:23,24	12:51:35PM (1)	177:7	12:55:22PM (2)	180:25
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173:4	12:51:38PM (1)	177:10	12:55:26PM (1)	181:3
12:49:50PM (2)	175:4	12:53:29PM (1)	179:8	12:57:24PM (1)
173:5,6	12:51:42PM (2)	177:11	12:55:31PM (1)	181:4
12:49:52PM (2)	175:6,7	12:53:37PM (1)	179:11	12:57:31PM (1)
173:7,8	12:51:45PM (1)	177:14	12:55:34PM (1)	181:7
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173:9	12:51:53PM (1)	177:15	12:55:38PM (1)	181:9,10,11
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173:10	12:51:54PM (1)	177:17	12:55:48PM (1)	181:13
12:49:58PM (2)	175:11	12:53:44PM (1)	179:18	12:57:42PM (1)
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174:10	12:52:31PM (1)	178:9	12:56:47PM (1)	182:4
12:51:05PM (2)	176:9	12:54:42PM (1)	180:12	12:58:15PM (1)
174:12,13	12:52:38PM (1)	178:11	12:56:49PM (1)	182:5
12:51:10PM (1)	176:11	12:54:45PM (1)	180:13	12:58:21PM (1)
174:14	12:52:40PM (1)	178:12	12:56:52PM (1)	182:8
12:51:13PM (1)	176:13	12:54:47PM (2)	180:15	12:58:23PM (1)
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12:51:15PM (1)	176:14	12:54:52PM (1)	180:17	12:58:35PM (1)
174:17	12:52:55PM (2)	178:17	12:57:04PM (1)	182:12
12:51:21PM (1)	176:19,20	12:54:55PM (1)	180:19	12:58:42PM (1)
174:19	12:53:03PM (1)	178:18	12:57:05PM (1)	182:14
12:51:23PM (1)	176:22	12:54:57PM (1)	180:20	12:58:44PM (1)
174:20	12:53:05PM (1)	178:19	12:57:06PM (1)	182:15

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182:21	173 (1)	201:13,14	2:07:29PM (1)	205:24
12:59:06PM (1)	300:17	2:06:16PM (2)	203:11	2:10:11PM (2)
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183:2	184 (1)	201:19	2:07:51PM (1)	206:4
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183:4	19AM (1)	201:22	2:07:55PM (1)	206:7
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183:7,8	191 (9)	201:23	2:08:03PM (1)	206:8
12:59:19PM (1)	8:11,13 10:11 15:15	2:06:23PM (1)	203:25	2:10:26PM (1)
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12:59:21PM (1)	295:19	2:06:24PM (1)	204:7	2:10:31PM (1)
183:11	1970 (1)	201:25	2:08:21PM (1)	206:11
12:59:34PM (1)	287:25	2:06:26PM (1)	204:9	2:10:36PM (1)
183:15	1973 (3)	202:3	2:08:23PM (1)	206:13
12:59:37PM (1)	109:16 284:3 287:11	2:06:34PM (1)	204:11	2:10:39PM (1)
183:16	1992 (1)	202:4	2:08:26PM (1)	206:14
12:59:38PM (1)	76:14	2:06:38PM (2)	204:13	2:10:47PM (1)
183:17	1994 (1)	202:6,7	2:08:28PM (1)	206:16
12:59:42PM (1)	14:8	2:06:40PM (1)	204:15	2:10:48PM (1)
183:18	1999 (9)	202:8	2:08:29PM (1)	206:17
12:59:52PM (1)	21:13 24:14 25:25	2:06:41PM (1)	204:17	2:10:50PM (2)
183:21	121:9 123:16	202:9	2:08:38PM (1)	206:19,20
12:59:53PM (1)	124:19 138:15	2:06:45PM (1)	204:19	2:11:03PM (1)
183:22	139:4 140:15	202:10	2:08:47PM (1)	206:22
12:59:59PM (2)		2:06:46PM (1)	204:25	2:11:05PM (1)
183:25 184:2	2	202:11	2:09:01PM (1)	206:23
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300:14	200:21 294:23	202:13	2:09:13PM (1)	206:25
13 (1)	300:15 301:8	2:06:53PM (1)	205:10	2:11:11PM (1)
202:9	2nd (1)	202:14	2:09:14PM (1)	207:2
14 (1)	211:19	2:06:56PM (1)	205:11	2:11:18PM (1)
11:8	2:04:42PM (1)	202:15	2:09:19PM (1)	207:4
14th (1)	200:25	2:06:58PM (1)	205:13	2:11:21PM (2)
190:12	2:05:50PM (1)	202:17	2:09:20PM (1)	207:6,7
140 (1)	201:3	2:07:05PM (1)	205:14	2:11:30PM (1)
300:15	2:05:54PM (1)	202:21	2:09:23PM (1)	207:9
146 (2)	201:5	2:07:08PM (1)	205:15	2:11:40PM (1)
12:20 17:13	2:05:55PM (1)	202:23	2:09:53PM (1)	207:12
15 (1)	201:6	2:07:14PM (1)	205:19	2:11:45PM (1)
19:14	2:06 (1)	203:2	2:09:59PM (1)	207:14
155 (1)	201:3	2:07:18PM (1)	205:20	2:11:48PM (1)
300:16	2:06:02PM (1)	203:4	2:10:00PM (1)	207:15
159 (2)	201:8	2:07:21PM (1)	205:21	2:11:51PM (1)
199:19,22	2:06:04PM (1)	203:6	2:10:06PM (1)	207:16
16th (3)	201:9	2:07:22PM (1)	205:22	2:11:55PM (1)
212:16 297:11,17	2:06:05PM (2)	203:8	2:10:07PM (1)	207:17
170 (1)	201:10,11	2:07:25PM (1)	205:23	2:11:57PM (1)

207:18	2:14:07PM (1)	211:16	2:29:18PM (1)	215:23
2:11:59PM (2)	209:21	2:16:01PM (1)	214:7	2:31:08PM (1)
207:19,20	2:14:10PM (2)	211:18	2:29:20PM (1)	215:24
2:12:01PM (1)	209:23,24	2:16:08PM (1)	214:8	2:31:17PM (1)
207:21	2:14:11PM (2)	211:21	2:29:21PM (1)	216:4
2:12:02PM (1)	209:25 210:2	2:16:24PM (1)	214:9	2:31:21PM (1)
207:22	2:14:13PM (1)	212:4	2:29:24PM (1)	216:6
2:12:09PM (1)	210:3	2:16:26PM (1)	214:11	2:31:26PM (1)
207:24	2:14:20PM (1)	212:6	2:29:27PM (1)	216:8
2:12:12PM (1)	210:4	2:16:53PM (1)	214:12	2:31:36PM (1)
207:25	2:14:27PM (1)	212:7	2:29:37PM (1)	216:11
2:12:19PM (1)	210:7	2:17 (1)	214:16	2:31:37PM (1)
208:3	2:14:28PM (1)	212:23	2:29:39PM (1)	216:12
2:12:24PM (1)	210:9	2:17:09PM (1)	214:17	2:31:48PM (1)
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2:12:28PM (1)	210:10	2:17:27PM (1)	214:18	2:31:50PM (1)
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208:6	2:14:38PM (1)	212:22	2:29:52PM (1)	216:17
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208:13	2:14:57PM (1)	213:12	2:30:14PM (1)	217:2
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2:12:58PM (1)	210:25	2:28:39PM (2)	215:8	2:32:14PM (1)
208:15	2:15:24PM (1)	213:14,15	2:30:17PM (1)	217:7
2:13:01PM (1)	211:2	2:28:51PM (1)	215:9	2:32:27PM (1)
208:17	2:15:26PM (2)	213:19	2:30:23PM (1)	217:11
2:13:03PM (1)	211:3,4	2:28:52PM (1)	215:11	2:32:36PM (1)
208:18	2:15:28PM (1)	213:20	2:30:42PM (1)	217:12
2:13:12PM (1)	211:5	2:28:53PM (1)	215:13	2:32:39PM (1)
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2:13:28PM (1)	211:6	2:28:54PM (1)	215:15	2:32:48PM (1)
209:4	2:15:36PM (1)	213:22	2:30:50PM (1)	217:18
2:13:36PM (1)	211:9	2:28:55PM (1)	215:17	2:32:49PM (1)
209:8	2:15:38PM (1)	213:23	2:30:57PM (1)	217:20
2:13:39PM (1)	211:10	2:29:06PM (1)	215:19	2:32:52PM (1)
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2:14:03PM (1)	211:14,15	2:29:17PM (1)	215:22	2:33:06PM (1)
209:20	2:15:48PM (1)	214:6	2:31:05PM (1)	218:3

2:33:07PM (1)	220:12	2:36:54PM (1)	224:4	2:40:05PM (1)
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2:33:10PM (1)	220:13	2:36:55PM (1)	224:6	2:40:08PM (1)
218:5	2:35:21PM (1)	222:9	2:38:22PM (1)	226:13
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218:9	2:35:22PM (1)	222:11	2:38:24PM (1)	226:17
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218:14,15	2:35:27PM (1)	222:16	2:38:36PM (1)	226:24
2:34 (1)	220:22	2:37:04PM (1)	224:15	2:40:39PM (1)
219:12	2:35:29PM (2)	222:17	2:38:38PM (1)	226:25
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2:34:20PM (1)	221:7	2:37:23PM (2)	225:5	2:41:18PM (1)
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219:6	2:35:55PM (1)	223:7	2:39:12PM (1)	227:19
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219:8,9	2:35:58PM (1)	223:8	2:39:16PM (1)	227:20
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220:8,9	2:36:52PM (1)	224:3	2:40:01PM (1)	228:14
2:35:17PM (1)	222:7	2:38:18PM (1)	226:10	2:42:21PM (1)

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2:42:28PM (2)	230:22,23	2:45:31PM (1)	234:14	2:48:42PM (1)
228:17,18	2:44:31PM (1)	232:13	2:47:01PM (1)	236:18
2:42:31PM (1)	230:24	2:45:34PM (3)	234:15	2:48:44PM (1)
228:20	2:44:33PM (1)	232:15,16,17	2:47:02PM (1)	236:19
2:42:33PM (1)	230:25	2:45:35PM (1)	234:16	2:48:46PM (1)
228:21	2:44:34PM (1)	232:18	2:47:04PM (1)	236:20
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229:5	2:44:39PM (1)	232:25	2:47:28PM (1)	237:2
2:42:48PM (2)	231:6	2:45:52PM (1)	235:4	2:49:16PM (1)
229:6,7	2:44:42PM (1)	233:3	2:47:39PM (1)	237:4
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229:25	2:45:06PM (1)	233:18	2:48:03PM (1)	237:19
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2:44:24PM (1)	232:9	2:46:57PM (1)	236:14	2:50:21PM (1)
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2:51:00PM (1) 239:6	2:52:35PM (1) 240:25	2:53:53PM (1) 242:25	2:55:33PM (1) 244:11	2:56:29PM (1) 245:20
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2:51:13PM (1) 239:11	2:52:38PM (2) 241:4,5	2:54:04PM (1) 243:4	2:55:38PM (1) 244:14	2:56:34PM (1) 245:24
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